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NEW SOURCE REVIEW  
PREVENTION OF  
SIGNIFICANT DETERIORATION  
STATE IMPLEMENTATION PLAN  
SUBMITTAL

PIMA COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

August 31, 1994

Volume I



# **ATTACHMENT 1**

**A.R.S. TITLE 49,CHAPTER 3,ARTICLES 1,2 AND 3**

A.R.S. TITLE 49

ARTICLE 1. GENERAL PROVISIONS (air)

49-401. Declaration of policy

A. The legislature finds and declares that air pollution exists with varying degrees of severity within the state, such air pollution is potentially and in some cases actually dangerous to the health of the citizenry, often causes physical discomfort, injury to property and property values, discourages recreational and other uses of the state's resources and is esthetically unappealing. The legislature by this act intends to exercise the police power of this state in a coordinated state-wide program to control present and future sources of emission of air contaminants to the end that air polluting activities of every type shall be regulated in a manner that insures the health, safety and general welfare of all the citizens of the state; protects property values and protects plant and animal life. The legislature further intends to place primary responsibility for air pollution control and abatement in the department of environmental quality and the hearing board created thereunder. However, counties shall have the right to control local air pollution problems as specifically provided herein.

B. It is further declared to be the policy of this state that no further degradation of the air in the state of Arizona by any industrial polluters shall be tolerated. Those industries emitting pollutants in the excess of the emission standard set by the director of environmental quality shall bring their operations into conformity with the standards with all due speed. A new industry hereinafter established shall not begin normal operation until it has secured a permit attesting that its operation will not cause pollution in excess of the standards set by the director of environmental quality.

49-401.01. Definitions

In this chapter, unless the context otherwise requires:

1. "Administrator" means the administrator of the United States environmental protection agency.

2. "Adverse effects to human health" means those effects that result in or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, including adverse effects that are known to be or may reasonably be anticipated to be caused by substances that are acutely toxic, chronically toxic, carcinogenic, mutagenic, teratogenic, neurotoxic or causative of reproductive dysfunction.

3. "Adverse environmental effect" means any significant and widespread adverse effect which may reasonably be anticipated on wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.

4. "Attainment area" means any area in this state that has been identified in regulations promulgated by the administrator as being in compliance with national ambient air quality standards.



5. "Building", "structure", "facility" or "installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group which have the same two digit code, as described in the standard industrial classification manual, 1972, as amended by the 1977 supplement.

6. "Clean air act" means the clean air act of 1963 (P.L. 88-206; 42 United States Code sections 7401 through 7671) as amended by the clean air act amendments of 1990 (P.L. 101-549).

7. "Commence" means, as applied to construction of a source:

(a) For purposes other than title IV of the clean air act, that the owner or operator has obtained all necessary preconstruction approval or permits required by federal law and this chapter and has done either of the following:

(i) Begun or caused to begin a continuous program of physical on-site construction of the source to be completed within a reasonable time.

(ii) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

(b) For purposes of title IV of the clean air act, that the owner or operator has undertaken a continuous program of construction or that an owner or operator has entered into a contractual obligation to undertake and complete within a reasonable time a continuous program of construction.

8. "Construction" means any physical change in a source or change in the method of operation of a source including fabrication, erection, installation or demolition of a source that would result in a change in actual emissions.

9. "Conventional air pollutant" means any pollutant for which the administrator has promulgated a primary or secondary national ambient air quality standard.

10. "Federally listed hazardous air pollutant" means any air pollutant adopted pursuant to section 49-426.03, subsection A and not deleted pursuant to that subsection.

11. "Hazardous air pollutant" means any federally listed hazardous air pollutant and any air pollutant that the director has designated as a hazardous air pollutant pursuant to section 49-426.04, subsection A and has not deleted pursuant to section 49-426.04, subsection B.

12. "Hazardous air pollutant reasonably available control technology" means an emissions standard for hazardous air pollutants which the director, acting pursuant to section 49-426.06, subsection C, or the control officer, acting pursuant to section 49-480.04, subsection C, determines is reasonably available for a source. In making the foregoing determination the director or control officer shall take into consideration the estimated actual air quality impact of the standard, the cost of complying

with the standard, the demonstrated reliability and widespread use of the technology required to meet the standard, and any non air quality health and environmental impacts and energy requirements. For purposes of this definition an emissions standard may be expressed as a numeric emissions limitation or as a design, equipment, work practice or operational standard.

13. "Major source" means a stationary source or a group of stationary sources that is located within a contiguous area, that is under common control and that is defined as a major source in section 501(2) of the clean air act or that is a major emitting facility as defined in title 1, part C of the clean air act or that is defined in department rules as a major source consistent with the clean air act.

14. "Maximum achievable control technology" means an emission standard that requires the maximum degree of reduction in emissions of the hazardous air pollutants subject to this chapter, including a prohibition on such emissions where achievable, that the director, after considering the cost of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements, determines to be achievable by an affected source to which such standard applies, through application of measures, processes, methods, systems or techniques including measures which:

(a) Reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications.

(b) Enclose systems or processes to eliminate emissions.

(c) Collect, capture or treat such pollutants when released from a process, stack, storage or fugitive emissions point.

(d) Are design, equipment, work practice, or operational standards, including requirements for operator training or certification.

(e) Are a combination of the above.

15. "Minor source" means any stationary or portable source that is not a major source.

16. "Mobile source" means any combustion engine, device, machine or equipment that operates during transport and that emits or generates air contaminants whether in motion or at rest.

17. "Modification" or "modify" means a physical change in or change in the method of operation of a source which increases the actual emissions of any air pollutant emitted by such source by more than any relevant de minimis amount or which results in the emission of any air pollutant not previously emitted by more than such de minimis amount.

18. "National ambient air quality standard" means the ambient air pollutant concentration limits established by the administrator pursuant to 42 United States Code section 7409.

19. "Nonattainment area" means any area in this state that is designated as prescribed by section 49-405 and where violations of national ambient air quality standards have been measured.

20. "Nonattainment area plan" means an air pollution control plan developed in accordance with 42 United States Code sections 7501 through 7515.

21. "Permitting authority" means the department or a county

department or agency that is charged with enforcing a permit program adopted pursuant to section 49-480, subsection A.

22. "Planning agency" means the organization designated by the governor pursuant to 42 United States Code section 7504 as having the authority and responsibility of preparing nonattainment area plans.

23. "Portable source" means any stationary source that is capable of being transported and operated in more than one county of this state.

24. "Primary standard attainment date" means the date defined within a nonattainment area plan in accordance with 42 United States Code sections 7401 through 7515 and after which date primary national ambient air quality standards may not be violated.

25. "Reasonable further progress" means the schedule of emission reductions defined within a nonattainment area plan as being necessary to come into compliance with a national ambient air quality standard by the primary standard attainment date.

26. "Source" means any building, structure, facility or installation that may cause or contribute to air pollution or the use of which may eliminate, reduce or control the emission of air pollution.

27. "State implementation plan" means the accumulated record of enforceable air pollution control measures, programs and plans adopted by the director and submitted to the administrator pursuant to 42 United States Code section 7410.

28. "Stationary source" means any facility, building, equipment, device or machine that operates at a fixed location and that emits or generates air contaminants.

29. "Unclassifiable area" means all areas of this state for which inadequate ambient air quality data exist to determine compliance with the national ambient air quality standards.

#### 49-402. State and county control

A. The department shall have original jurisdiction over such sources, permits and violations that pertain to:

1. Major sources in any county that has not received approval from the administrator for new source review under the clean air act and prevention of significant deterioration under the clean air act.

2. Smelting of metal ore.

3. Petroleum refineries.

4. Coal fired electrical generating stations.

5. Portland cement plants.

6. Air pollution by portable sources.

7. Air pollution by mobile sources for the purpose of regulating those sources as prescribed by article 5 of this chapter and consistent with the clean air act.

8. After November 15, 1993, sources that are located in either a county that has not submitted a permit program as required under title V of the clean air act or in a county for which the administrator has disapproved that permit program.

B. Except as specified in subsection A of this section, the review, issuance, administration and enforcement of permits issued pursuant to this chapter shall be by the county or multi-county air

quality control region pursuant to the provisions of article 3 of this chapter. After the director has provided prior written notice to the control officer describing the reason for asserting jurisdiction and provided an opportunity to confer, the county or multi-county air quality control region shall relinquish jurisdiction, control and enforcement over such permits as the director designates and at such times as he asserts jurisdiction at the state level. The order of the director which asserts state jurisdiction shall specify the matters, geographical area, or sources over which the department shall exercise jurisdiction and control. Such state authority shall then be the sole and exclusive jurisdiction and control to the extent asserted and the provisions of this chapter shall govern, except as provided in this chapter, until jurisdiction is surrendered by the department to such county or region.

C. Portable sources under jurisdiction of the department under subsection A, paragraph 6 of this section may be required to file notice with the director and the control officer who has jurisdiction over the geographic area that includes the new location before beginning operations at that new location.

D. Notwithstanding any other law, a permit issued to a state regulated source shall include the emission standard or standard of performance adopted pursuant to section 49-479, if such standards are more stringent than those adopted by the director and if such standards are specifically identified as applicable to the permitted source or a component of the permitted source. Such standards shall be applied to sources identified in subsection A, paragraph 2, 3, 4 or 5 of this section only if the standard is formally proposed for adoption as part of the state implementation plan.

E. The regional planning agency for each county which contains a vehicle emissions control area shall develop plan revisions containing transportation related air quality control measures designed to attain and maintain primary and secondary ambient air quality standards as prescribed by and within the time frames specified in the clean air act. In developing the plan revisions, the regional planning agency shall consider all of the following:

1. Mandatory employee parking fees.
2. Park and ride programs.
3. Removal of on-street parking.
4. Ride share programs.
5. Mass transit alternatives.
6. Expansion of public transportation systems.
7. Optimizing freeway ramp metering.
8. Coordinating traffic signal systems.
9. Reduction of traffic congestion at major intersections.
10. Site specific transportation control measures.
11. Reversible lanes.
12. Fixed lanes for buses and car pools.
13. Encouragement of pedestrian travel.
14. Encouragement of bicycle travel.
15. Development of bicycle travel facilities.
16. Employer incentives regarding ride share programs.

17. Modification of work schedules.
  18. Strategies for controlling the generation of air pollution by nonresidents of nonattainment areas.
  19. Use of alternative fuels.
  20. Use of emission control devices on public diesel powered vehicles.
  21. Paving of roads.
  22. Restricting off-road vehicle travel.
  23. Construction site air pollution control.
  24. Other air quality control measures.
- F. Each regional planning agency shall consult with the department of transportation to coordinate the plans developed pursuant to subsection E of this section with transportation plans developed by the department of transportation pursuant to any other law.

49-404. State implementation plan

A. The director shall maintain a state implementation plan that provides for implementation, maintenance and enforcement of national ambient air quality standards and protection of visibility as required by the clean air act.

B. The director may adopt rules that describe procedures for adoption of revisions to the state implementation plan.

C. The state implementation plan and all revisions adopted before the effective date of this section remain in effect according to their terms, except to the extent otherwise provided by the clean air act, inconsistent with any provision of the clean air act, or revised by the administrator. No control requirement in effect, or required to be adopted by an order, settlement agreement, or plan in effect before the enactment of the clean air act in any area which is a nonattainment area for any air pollutant may be modified after enactment in any manner unless the modification insures equivalent or greater emission reductions of the air pollutant. The director shall evaluate and adopt revisions to the plan in conformity with federal regulations and guidelines promulgated by the administrator for those purposes until the rules required by subsection B are effective.

49-405. Attainment area designations

A. The governor may designate the status and classification of areas of this state with respect to attainment of national ambient air quality standards.

B. The director shall adopt rules that both:

1. Describe the geographic extent of attainment, nonattainment or unclassifiable areas of this state for all pollutants for which a national ambient air quality standard exists.

2. Establish procedures and criteria for changing the designations of areas that include all of the following:

- (a) Technical bases for proposed changes, including ambient air quality data, types and distributions of sources of air pollution, population density and projected population growth, transportation system characteristics, traffic congestion, projected industrial and commercial development, meteorology,



pollution transport and political boundaries.

(b) Provisions for review of and public comment on proposed changes to area designations.

(c) All area designations adopted by the administrator as of May 30, 1992.

#### 49-406. Nonattainment area plan

A. For any ozone, carbon monoxide or particulate nonattainment area the governor shall certify the metropolitan planning organization designated to conduct the continuing, cooperative and comprehensive transportation planning process for that area under 23 United States Code section 134 as the agency responsible for the development of a nonattainment area plan for that area.

B. For any ozone, carbon monoxide or particulate nonattainment area for which no metropolitan planning organization exists, the department shall be certified as the agency responsible for development of a nonattainment area plan for that area.

C. For any ozone, carbon monoxide or particulate nonattainment area, the department, the planning agency certified pursuant to subsection A of this section on behalf of elected officials of affected local government, the county air pollution control department or district, and the department of transportation shall, by November 15, 1992, and from time to time as necessary, jointly review and update planning procedures or develop new procedures.

D. In preparing the procedures described in subsection C of this section, the department, the planning agency certified pursuant to subsection A of this section on behalf of elected officials of affected local government, the county air pollution control department or district, and the department of transportation shall determine which elements of each revised implementation plan will be developed, adopted, and implemented, through means including enforcement, by the state and which by local governments or regional agencies, or any combination of local governments, regional agencies or the state.

E. The department, the planning agency certified pursuant to subsection A of this section on behalf of elected officials of affected local government, the county air pollution control department or district, and the department of transportation shall enter into a memorandum or agreement for the purpose of coordinating the implementation of the procedures described in subsection C and D of this section.

F. At a minimum, the memorandum of agreement shall contain:

1. The relevant responsibilities and authorities of each of the coordinating agencies.

2. As appropriate, procedures, schedules and responsibilities for development of nonattainment area plans or plan revisions and for determining reasonable further progress.

3. Assurances for adequate plan implementation.

4. Procedures and responsibilities for tracking plan implementation.

5. Responsibilities for preparing demographic projections including land use, housing, and employment.

6. Coordination with transportation programs.  
7. Procedures and responsibilities for adoption of control measures and emissions limitations.

8. Responsibilities for collecting air quality, transportation and emissions data.

9. Responsibility for conducting air quality modeling.

10. Responsibility for administering and enforcing stationary source controls.

11. Provisions for the timely and periodic sharing of all data and information among the signatories relating to:

(a) Demographics.

(b) Transportation.

(c) Emissions inventories.

(d) Assumptions used in developing the model.

(e) Results of modeling done in support of the plan.

(f) Monitoring data.

G. Each agency that commits to implement any emission limitation or other control measure, means or technique contained in the implementation plan shall describe that commitment in a resolution adopted by the appropriate governing body of the agency. The resolution shall specify the following:

1. Its authority for implementing the limitation or measure as provided in statute, ordinance or rule.

2. A program for the enforcement of the limitation or measure.

3. The level of personnel and funding allocated to the implementation of the measure.

H. The state, in accordance with the rules adopted pursuant to section 49-404, and the governing body of the metropolitan planning organization shall adopt each nonattainment area plan developed by a certified metropolitan planning organization. The adopted nonattainment area plan shall be transmitted to the department for inclusion in the state implementation plan provided for under section 49-404.

I. After adoption of a nonattainment area plan, if on the basis of the reasonable further progress determination described in subsection F of this section or other information, the control officer determines that any person has failed to implement an emission limitation or other control measure, means or technique as described in the resolution adopted pursuant to subsection G of this section, the control officer shall issue a written finding to the person, and shall provide an opportunity to confer. If the control officer subsequently determines that the failure has not been corrected, the county attorney, at the request of the control officer, shall file an action in superior court for a preliminary injunction, a permanent injunction, or any other relief provided by law.

J. After adoption of a nonattainment area plan, if, on the basis of the reasonable further progress determination described in subsection F of this section or other information, the director determines that any person has failed to implement an emission limitation or other control measure, means or technique as described in the resolution adopted pursuant to subsection G of this section, and that the control officer has failed to act

pursuant to subsection I of this section, the director shall issue a written finding to the person and shall provide an opportunity to confer. If the director subsequently determines that the failure has not been corrected, the attorney general, at the request of the director, shall file an action in superior court for a preliminary injunction, a permanent injunction, or any other relief provided by law.

K. Notwithstanding subsections A and B of this section, in any metropolitan area with a metropolitan statistical area population of less than two hundred fifty thousand persons, the governor shall designate an agency that meets the criteria of section 174 of the clean air act and that is recommended by the city that causes the metropolitan area to exist and the affected county. That agency shall prepare and adopt the nonattainment area plan. If the governor does not designate an agency, the department shall be certified as the agency responsible for the development of a nonattainment area plan for that area.

#### 49-407. Private right of action; citizen suits

A. Except as provided in subsection B, a person having an interest may commence a civil action in superior court on his own behalf against the director alleging a failure of the director to perform an act or duty under this article or article 2 of this chapter that is not discretionary with the director or alleging that the director has unreasonably delayed an action within the director's authority. The court has jurisdiction to order the director to perform the act or duty.

B. No action may be commenced before sixty days after the plaintiff has given notice of the alleged violation to the director.

C. The court, in issuing a final order in an action brought under this section, may award costs of litigation, including reasonable attorney and expert witness fees, to any party whenever the court determines it is appropriate.

D. Nothing in this section restricts any right that any person or class of persons may have under any other statute or under the common law to seek enforcement of an emission standard or limitation or to seek any other relief against the state or a political subdivision.

#### 49-408. Air quality conformity; definition

A. Any revision to the state implementation plan adopted pursuant to 40 Code of Federal Regulations, part 51, subpart T shall be no more stringent than required under those regulations. No state agency, metropolitan planning organization or local transportation agency shall take action that is more stringent than required under federal law in performing any of the following functions:

1. Determining which projects require conformity determinations pursuant to 40 Code of Federal Regulations, part 93, any state implementation plan revisions adopted pursuant to 40 Code of Federal Regulations, part 51, subpart T, or the conformity requirements set forth in the federal implementation plan at 40 Code of Federal Regulations, part 52, subpart D.

2. Determining which projects constitute regionally significant projects within the meaning of any of the regulations identified in paragraph 1.

3. Making conformity determinations pursuant to any of the regulations identified in paragraph 1.

B. Notwithstanding any other provisions of this section, the director may adopt consultation procedures for the public or affected agencies which supplement the requirements of 40 Code of Federal Regulations, part 51, subpart T.

C. For purposes of this section "local transportation agency" means any city, town, county or other local or regional government or agency that receives federal funds designated under title 23 United States Code or the federal transit act.

## ARTICLE 2. STATE AIR POLLUTION CONTROL

### 49-421. Definitions

In this article, unless the context otherwise requires:

1. "Air contaminants" includes smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, or noxious chemicals, or any other material in the outdoor atmosphere.

2. "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in sufficient quantities, which either alone or in connection with other substances by reason of their concentration and duration are or tend to be injurious to human, plant or animal life, or cause damage to property, or unreasonably interferes with the comfortable enjoyment of life or property of a substantial part of a community, or obscures visibility, or which in any way degrades the quality of the ambient air below the standards established by the director.

3. "Department" means the department of environmental quality.

4. "Director" means the director of environmental quality.

5. "Hearing board" means the state air pollution control hearing board.

6. "Person" includes any public or private corporation, company, partnership, firm, association or society of persons, the federal government and any of its departments or agencies, the state and any of its agencies, departments or political subdivisions, as well as a natural person.

7. "Special inspection warrant" is an order in writing issued in the name of the state of Arizona, signed by a magistrate, directed to the director or his deputies, authorizing him to enter into or upon any public or private property for the purpose of making an inspection authorized by law.

### 49-422. Powers

A. In addition to any other powers vested in it by law, the department may:

1. Accept, receive, and administer grants or other funds or gifts from public and private agencies, including the federal government, to carry out any of the purposes of this chapter. All monies resulting therefrom shall be deposited in the state treasury to the account of the department.

2. Secure necessary scientific, technical, administrative, and operational services, including laboratory facilities, by contract or otherwise to carry out the purposes of this chapter.

3. Require, as specified in subsections B and C of this section, any source of air contaminants to monitor, sample or perform other studies to quantify emissions of air contaminants or levels of air pollution that may reasonably be attributable to that source, if the director either:

(a) Determines that monitoring, sampling or other studies are necessary to determine the effects of the source on levels of air pollution.

(b) Has reasonable cause to believe a violation of this



chapter, rules adopted pursuant to this chapter or a permit issued pursuant to this chapter has been committed.

(c) Determines that those studies or data are necessary to accomplish the purposes of this chapter, and that the monitoring, sampling or other studies by the source are necessary in order to assess the impact of the source on the emission of air contaminants.

B. The director shall adopt rules requiring sources of air contaminants to monitor, sample or otherwise quantify their emissions of air pollution which may reasonably be attributable to such sources for air contaminants for which ambient air quality standards or emission standards or design, equipment, work practice or operational standards have been adopted pursuant to section 49-424, subsection A or section 49-425, subsection A. In the development of the rules, the director shall consider the cost and effectiveness of the monitoring, sampling or other studies.

C. For those sources of air contaminants for which rules are not required to be adopted pursuant to subsection B of this section, the director may require a source of air contaminants, by permit or order, to perform monitoring, sampling or other quantification of its emissions or air pollution that may reasonably be attributed to such a source. Before requiring such monitoring, sampling or other quantification by permit or order, the director shall consider the relative cost and accuracy of any alternatives which may be reasonable under the circumstances such as emission factors, modeling, mass balance analyses or emissions projections. The director may require such monitoring, sampling or other quantification by permit or order if the director determines in writing that all of the following conditions are met:

1. The actual or potential emissions or air pollution may adversely affect public health or the environment.

2. A monitoring, sampling or quantification method is technically feasible for the subject contaminant and the source.

3. An adequate scientific basis for the monitoring, sampling or quantification method exists.

4. The monitoring, sampling or quantification method is reasonably accurate.

5. The cost of the method is reasonable in light of the use to be made of the data.

D. Orders issued and permit conditions imposed pursuant to this section shall be appealable to the hearing board in the same manner as that prescribed for orders of abatement in sections 49-434 and 49-435 and for permit conditions in section 49-428.

#### 49-423. Hearing board

A. There shall be an air pollution control hearing board appointed by the governor pursuant to section 38-211.

B. The hearing board shall consist of five members. The five members shall be knowledgeable in the field of air pollution. At least one member of the board shall be an attorney licensed to practice law in this state. At least three members shall not have a substantial interest, as defined in section 38-502, in any person required to obtain a permit pursuant to this article. At least one member of the board shall be a registered engineer. Each board

member shall serve for a term of three years. The terms shall expire on the third Monday in January of the appropriate year.

C. The hearing board shall select a chairman and vice-chairman and such other officers as it deems necessary.

D. Hearing board members shall receive compensation as prescribed pursuant to section 38-611.

#### 49-424. Duties of department

The department shall:

1. Determine whether the meteorology of the state is such that airsheds can be reasonably identified and air pollution, therefore, can be controlled by establishing air pollution control districts within well defined geographical areas.

2. Make continuing determinations of the quantity and nature of emissions of air contaminants, topography, wind and temperature conditions, possible chemical reactions in the atmosphere, the character of development of the various areas of the state, the economic effect of remedial measures on the various areas of the state, the availability, use, and economic feasibility of air-cleaning devices, the effect on human health and danger to property from air contaminants, the effect on industrial operations of remedial measures, and other matters necessary to arrive at a better understanding of air pollution and its control. In a county with a population in excess of one million two hundred thousand persons, the department shall locate a monitoring system in at least two remote geographic sites.

3. Determine the standards for the quality of the ambient air and the limits of air contaminants necessary to protect the public health, and to secure the comfortable enjoyment of life and property by the citizens of the state or in any defined geographical area of the state where the concentration of air pollution sources, the health of the population, or the nature of the economy or nature of land and its uses so require, and develop and transmit to the county boards of supervisors minimum state standards for air pollution control.

4. Conduct investigations, inspections and tests to carry out the duties of this section under the procedures established by this article.

5. Hold hearings relating to any aspect of or matter within the duties of this section, and in connection therewith, compel the attendance of witnesses and the production of records under the procedures established by section 49-432.

6. Prepare and develop a comprehensive plan or plans for the abatement and control of air pollution in this state.

7. Encourage voluntary cooperation by advising and consulting with persons or affected groups or other states to achieve the purposes of this chapter, including voluntary testing of actual or suspected sources of air pollution.

8. Encourage political subdivisions of the state to handle air pollution problems within their respective jurisdictions, and provide as it deems necessary technical and consultative assistance therefor.

9. Compile and publish from time to time reports, data, and statistics with respect to those matters studied and investigated

by the department.

49-425. Rules; hearing

A. The director shall adopt such rules as he determines are necessary and feasible to reduce the release into the atmosphere of air contaminants originating within the territorial limits of the state or any portion thereof and shall adopt, modify, and amend reasonable standards for the quality of, and emissions into, the ambient air of the state for the prevention, control and abatement of air pollution. Additional standards shall be established for particulate matter emissions, sulfur dioxide emissions, and other air contaminant emissions determined to be necessary and feasible for the prevention, control and abatement of air pollution. In fixing such ambient air quality standards, emission standards or standards of performance, the director shall give consideration but shall not be limited to the relevant factors prescribed by the clean air act.

B. No rule may be enacted or amended except after the director first holds a public hearing after twenty days' notice of such hearing. The proposed rule, or any proposed amendment of a rule, shall be made available to the public at the time of notice of such hearing.

C. The department shall enforce the rules adopted by the director.

D. All rules enacted pursuant to this section shall be made available to the public at a reasonable charge upon request.

49-426. Permits; duties of director; exceptions; applications; objections; fees

A. A permit shall:

1. Be issued by the director in compliance with the terms of this section.

2. Be required for any person seeking a compliance extension pursuant to section 49-426.03, subsection B, paragraph 3 and section 112(a)(5) of the clean air act and for any person commencing construction, operating or making a modification to any source, except as prescribed in subsection B of this section or section 49-426.01.

B. The provisions of this section shall not apply to motor vehicles, to agricultural vehicles or agricultural equipment used in normal farm operations, or to fuel burning equipment which, in the aggregate with other such equipment of the applicant at the same location or property other than a one or two family residence, is rated at less than five hundred thousand British thermal units per hour. The director may establish by rule additional sources or classifications of sources for which a permit is not required. The director shall not adopt such a rule unless the director finds that the source or class of sources will have an insignificant adverse impact on air quality. In adopting these rules, the director may consider any rule that is adopted by the administrator pursuant to section 502 of the clean air act and that exempts one or more source categories from the requirement to obtain a permit.

C. Every application for a permit shall be filed in the manner and form prescribed by the director, and shall contain all

the information necessary to enable the director to make the determination to grant or deny such application. The director shall establish by rule requirements for permit applications, including a standard application form. The director shall establish by rule requirements for applications for general permits. An application shall include a compliance plan that describes how the applicant will comply with all of the applicable requirements of this chapter and the clean air act, including a schedule of compliance and a schedule under which progress reports will be submitted to the director at least every six months. The director may require that such application include all sources that are used or to be used by the applicant in a certain process or a single facility or location. Before acting on an application for a permit, the director may require the applicant to furnish further information or further plans or specifications. The director shall act, within a reasonable time, on such application and shall notify the applicant in writing of the proposed approval or denial of such application, except that the director may have a reasonable period of time in which to gather information, inspect premises, and issue such permits. The director shall adopt rules that establish procedures for determining when applications are complete, for processing applications and for reviewing permit actions. The director shall also establish by rule criteria for determining reasonable times for processing permit applications. Rules adopted pursuant to this subsection shall conform to the requirements of section 505(a) of the clean air act.

D. The director shall give notice of the proposed permit once each week for two consecutive weeks in two newspapers of general circulation in the county in which the source is or will be located. The notice shall describe the proposed permit and air contaminants to be emitted and shall state that any person may submit comments on the proposed permit and may request a public hearing. The director shall require the applicant at the time of the first notice to post the site where the source is or may be located. If permitted by federal, state and local law, the posting shall be prominently placed at a site that is under the applicant's legal control and that is adjacent to the nearest public roadway. The posting shall be visible to the public using the public roadway and shall contain the information in the notice that is published by the director. If a public hearing is requested, the director shall require the applicant to place an additional posting that provides notice of the public hearing. A posting shall be maintained until the public comment period on the proposed permit is closed. The director shall make available to the public notices of proposed permits. Each public notice that is issued under this chapter shall be mailed to the permit applicant, to the affected federal, state and local agencies and to those persons who have requested in writing copies of proposed permit action notices. During the public comment period, any person may submit a request to the department to conduct a public hearing for the purpose of receiving oral or written comments on the proposed permit. A written comment shall state the name and mailing address of the person, shall be signed by the person, his agent or his attorney and shall clearly set forth reasons why the permit should or should

not be issued. Grounds for comment are limited to whether the proposed permit meets the criteria for issuance prescribed in this section or in section 49-427. The department shall consider and prepare written responses to all comments received during the public comment period including comments made at a public hearing conducted by the department. At the time a final permit decision is made, copies of the department's responses shall be made available to the applicant and any person who commented on the proposed permit.

E. Permits or revisions issued pursuant to this section or section 49-426.01 may be issued subject to such terms and conditions as are consistent with the requirements of this article, article 1 of this chapter and the clean air act and are found by the director to be necessary, following public notice and an opportunity for a public hearing as provided in subsection D or H of this section or in section 49-426.01, and subject to payment of a reasonable fee to be determined as follows:

1. For a source that is required to obtain a permit pursuant to title V of the clean air act, the director shall establish by rule a system of fees that is consistent with and equivalent to that prescribed by section 502 of the clean air act. These rules shall prescribe procedures for increasing the fee each year by the percentage if any by which the consumer price index for the immediately preceding calendar year exceeds the consumer price index for calendar year 1989.

2. For a facility that is required to obtain a permit pursuant to this chapter but that is not required to obtain a permit pursuant to title V of the clean air act, the director shall determine a fee based on the total actual cost of processing the permit application, but not exceeding twenty-five thousand dollars.

The director shall establish an annual inspection fee, not to exceed the average cost of inspection. The director shall adopt, by rule, criteria for determining fees and for public hearings.

F. Permits issued pursuant to this section shall be issued for a period of five years.

G. Except as provided in section 49-808, subsection E and subsection B of this section, any person burning used oil, used oil fuel, hazardous waste or hazardous waste fuel shall first obtain a permit from the director. Any permit issued by the director under this subsection shall contain, at a minimum, conditions governing:

1. Limitations on the types, amounts and feed rates of used oil, used oil fuel, hazardous waste or hazardous waste fuel which may be burned.

2. The frequency and types of fuel testing to be conducted by the person.

3. The frequency and type of emissions testing or monitoring to be conducted by the person.

4. Requirements for record keeping and reporting.

5. Numeric emission limitations expressed in pounds per hour and tons per year for air contaminants to be emitted from the facility burning used oil, used oil fuel, hazardous waste or hazardous waste fuel.

H. The director may issue a general permit for a defined



class of facilities if the class contains a large number of facilities that are substantially similar in nature and that have substantially similar emissions and if the following conditions are met:

1. A general permit shall comply with all of the requirements for permits prescribed by this section except for the requirements of subsection D of this section and shall be consistent with the clean air act.

2. The director shall give notice of the proposed general permit once each week for two consecutive weeks in a newspaper of general circulation in each county. The notice shall describe the proposed general permit, the general class of sources that would be subject to the proposed permit and the air contaminants to be emitted. The notice shall also state that any person may submit comments on the proposed general permit and may request a public hearing. A written comment shall state the name of the person and the person's agent or attorney and shall clearly set forth reasons why the general permit should or should not be issued. Grounds for comment are limited to whether the proposed general permit meets the criteria for issuance prescribed in this section or section 49-427.

3. On issuance of a general permit any person seeking to permit a source under this subsection shall submit an application pursuant to subsection C of this section.

4. If the director approves an application to be permitted under a general permit, the director shall provide notice of the approval in a newspaper of general circulation in the county in which the source is or will be located.

5. If a person violates a general permit, the director may require the source to obtain a permit pursuant to subsection A of this section.

6. A general permit may be revoked or revised at any time by the director if necessary to comply with this chapter. If the director revokes or revises a general permit, the director shall notify all persons whose sources are affected by the revocation or revision and shall include notice of procedures to obtain a permit pursuant to subsection A of this section or notice of procedures for compliance with the revisions.

7. The director by rule shall adopt procedures for the issuance of general permits.

8. The director may adopt conditions in a general permit applicable to sources located in a specified geographic area either independently of or upon petition by a county air pollution control officer.

I. Permits issued pursuant to this section shall contain all of the following:

1. Conditions reflecting all applicable requirements of this article and rules adopted pursuant to this article.

2. Enforceable emission limitations and standards.

3. A schedule for compliance, if applicable.

4. The requirement to submit at least every six months the results of any required monitoring.

5. Any other conditions that are necessary to assure compliance with this article and the clean air act, including the

applicable implementation plan.

J. The director may refuse to issue any permit to any source subject to the requirements of title V of the clean air act if the administrator objects to its issuance in a timely manner as prescribed under title V of the act.

K. If an applicant has submitted a timely and complete application for a permit required under this section, but final action has not been taken on that application, failure to obtain a permit shall not be a violation of this chapter unless the delay in final action is due to the failure of the applicant to submit information required or requested to process the application. This subsection does not apply to any person required to obtain a permit before commencing construction of a source as required under this section or any person seeking a permit revision as provided under section 49-426.01.

L. The director may issue a single permit authorizing emissions from similar operations at multiple temporary locations, if the permit includes conditions that will assure compliance with all applicable requirements of this chapter and the clean air act at all locations. Any permit issued pursuant to this subsection shall require the applicant to notify the director in advance of each change in location. In issuing a single permit, the director may require a separate permit fee for operations at each location.

M. In the case of a permit with a term of three or more years issued pursuant to the requirements of title V of the clean air act to a major source, the director shall require revisions to the permit to incorporate applicable standards and regulations adopted by the administrator pursuant to the clean air act after the issuance of the permit. The director shall require any revisions as expeditiously as practicable, but not later than eighteen months after the promulgation of such standards and regulations. No permit revision shall be required if the effective date of standards and regulations is after the expiration of the permit. Any permit revision required pursuant to this subsection shall be treated as a permit renewal.

N. Any permit issued pursuant to the requirements of this article and title V of the clean air act to a unit subject to the provisions of title IV of the clean air act shall include conditions prohibiting all of the following:

1. Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide held by the owners or operators of the unit or by the designated representative of the owners or operators.

2. Exceedances of applicable emission rates.

3. The use of any allowance prior to the year for which it was allocated.

4. Contravention of any other provision of the permit.

49-426.01. Permits; changes within a source; revisions

A. The director shall establish by rule provisions to allow changes within a permitted source without requiring a permit revision if all of the following conditions are met:

1. The changes do not constitute modifications under title I of the clean air act.

2. The changes do not result in an emission that is greater than the emissions allowed under the permit.

3. The source provides the director with a written notice of the proposed changes at least seven days in advance of the beginning of those changes.

4. The source satisfies other conditions that may be established in the rules adopted pursuant to this section. Rules adopted pursuant to this section at a minimum shall conform to those adopted by the administrator pursuant to title V of the clean air act and may prescribe a different time limit for notifications associated with emergency conditions.

B. A permit issued pursuant to section 49-426 may be revised, revoked and reissued, or terminated for cause. The filing of a request for a permit revision, revocation and reissuance, or termination or a notification filed pursuant to subsection A of this section does not stay an effective permit condition. The director may require that the applicant provide in writing within a reasonable time any information that the director identifies as necessary for the director to determine if cause exists for revising, revoking and reissuing, or terminating the permit or for determining compliance with permit conditions.

C. The director shall establish by rule procedures related to public review of proposed changes to a source as provided in subsection A of this section and proposed permit revisions as provided in subsection B of this section. These rules at a minimum shall conform to those adopted by the administrator pursuant to title V of the clean air act.

#### 49-426.02. Permit shield

The director shall establish by rule conditions under which compliance with a permit or permit revision issued pursuant to this chapter constitutes compliance with the applicable requirements of this chapter and the clean air act.

#### 49-426.03. Enforcement of federal hazardous air pollutant program; definitions

A. The list of hazardous air pollutants in section 112(b)(1) of the clean air act is adopted as the list of federally listed hazardous air pollutants that will be subject to the program adopted pursuant to subsection B of this section. Within one year after the administrator adds or deletes a pollutant pursuant to section 112(b)(2) or (3) of the clean air act the director shall adopt those revisions for the list adopted pursuant to this subsection unless the director finds that there is no scientific evidence to support the revision.

B. By November 1, 1993, the director shall adopt by rule a program for administration and enforcement of the federal hazardous air pollutant program established by section 112 of the clean air act. The program shall be consistent with and meet the requirements of section 112 of the clean air act and shall contain the following provisions:

1. No person may obtain a permit or permit revision to modify a major source of federally listed hazardous air pollutants or to construct a new major source of federally listed hazardous air

pollutants, unless the director determines that the person will install the maximum achievable control technology for the modification or new major source. For purposes of this paragraph, a major source of federally listed hazardous air pollutants means a major source as defined in section 112(a)(1) of the clean air act and implementing regulations adopted by the administrator. A new or modified major source of federally listed hazardous air pollutants means a major source that commences construction or a modification after rules adopted by the director pursuant to this subsection become effective pursuant to section 41-1032. A physical change to a source or change in the method of operation of a source is not a modification subject to this paragraph or paragraph 2 of this subsection if the change complies with section 112(g)(1) of the clean air act.

2. Until the administrator adopts emissions standards establishing the maximum achievable control technology for a source category or subcategory that includes a source subject to paragraph 1 of this subsection, the director shall determine the maximum achievable control technology for the modification of new major source on a case-by-case basis. If the director determines that it is not feasible to prescribe or enforce an emission standard, a maximum achievable control technology standard imposed pursuant to this paragraph may consist of a design, equipment, work practice or operational standard, or a combination thereof.

3. If an existing source submits an application pursuant to section 49-426 which demonstrates that the source has achieved a reduction of ninety per cent or more of federally listed hazardous air pollutants or ninety-five per cent in the case of federally listed hazardous air pollutants that are particulates, the director shall issue a permit or permit revision allowing the source to meet an alternative emission limitation reflecting such reduction in lieu of an emission limitation promulgated by the administrator under section 112(d) of the clean air act. The application shall comply with section 112(i)(5) of the clean air act and implementing regulations adopted by the administrator. The alternative emission limitation shall apply for a period of six years from the compliance date otherwise applicable to the source under section 112(d) of the clean air act.

4. If the administrator fails to adopt a standard for a source category or subcategory within eighteen months after the deadline established for that category or subcategory pursuant to section 112(e)(1) and (3) of the clean air act, the owner or operator of an existing major source in the category or subcategory shall be required to submit a permit application for such source pursuant to section 49-426, and the director, acting in accordance with the procedures adopted pursuant to section 49-426, shall be required to issue a permit establishing maximum achievable control technology for the affected source on a case-by-case basis or, in the alternative, an alternative emission limitation pursuant to paragraph 3 of this subsection. If the director determines that it is not feasible to prescribe or enforce an emission standard, a maximum achievable control technology standard imposed pursuant to this paragraph may consist of a design, equipment, work practice or operational standard, or a combination thereof.

5. When the administrator adopts and makes effective standards pursuant to section 112(d) or 112(f) of the clean air act the director shall adopt those standards in the same manner as prescribed by the administrator.

6. When a reliable method of measuring emissions of a hazardous air pollutant subject to this section is not available, the director shall not require compliance with a numeric emission limit for that pollutant but shall instead require compliance with a design, equipment, work practice or operational standard, or a combination of those standards. The provision adopted pursuant to this paragraph shall not apply to sources or modifications that commence construction after the permit program established pursuant to section 49-426 becomes effective under section 502(h) of the clean air act.

C. Where the clean air act has established provisions, including specific schedules, for the regulation of source categories pursuant to section 112(e)(5) and 112(n) of the clean air act, those provisions and schedules shall be adopted by the director and shall apply to the regulation of those source categories under subsection B of this section.

D. For any category or subcategory of facilities licensed by the nuclear regulatory commission, the director shall not adopt or enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the administrator pursuant to section 112 of the clean air act.

E. When the administrator makes one of the following findings pursuant to section 112(n)(1)(A) of the clean air act the finding is effective for purposes of the state's administration and enforcement of the federal hazardous air pollutant program in the same manner as prescribed by the administrator:

1. A finding that regulation is not appropriate or necessary.
2. A finding that alternative control strategies should be applied.

#### 49-426.04. State list of hazardous air pollutants

A. The state list of hazardous air pollutants that are subject to regulation consists of all of the following:

1. Hazardous air pollutants that are designated by the director by rule if the director finds all of the following:

(a) There is scientifically reliable evidence on the health or environmental effects of the pollutant adequate to support the designation. The director shall rely on technical protocols appropriate for the development of the list of hazardous air pollutants and shall base the designation on credible medical and toxicological evidence that has been subjected to peer review. Evidence shall be considered scientifically reliable only if it demonstrates adverse effects to human health or adverse environmental effects from an air pollutant at concentrations that are likely to occur in the environment as a result of emissions of the pollutant into the ambient air.

(b) Emissions, ambient concentrations, bioaccumulation or deposition of the pollutant result in adverse effects to human



health or adverse environmental effects.

(c) An adequate and reliable methodology exists for quantifying emissions and ambient concentrations of the pollutant.

2. Federally listed hazardous air pollutants.

B. The director of the department of environmental quality shall file with the secretary of state the list of substances for which ambient air quality guidelines are recommended by the department of health services as of July 15, 1992. A true copy of the list that is filed in the office of the secretary of state shall be on file in the department of environmental quality and shall be available for examination by the public during regular business hours. The director shall review the list of substances to identify which substances are federally listed hazardous air pollutants. The director shall review those substances that are not federally listed hazardous air pollutants to preliminarily determine those substances that meet each of the criteria for designation as a hazardous air pollutant as prescribed by subsection A, paragraph 1, subdivisions (a), (b) and (c). If the director determines that a substance meets the criteria for designation, the director shall prepare a written statement of the basis for the preliminary determination and, within thirty days of the issuance of the preliminary determination, shall propose a rule to list the substance as a hazardous air pollutant. The director shall adopt those rules not later than November 1, 1993.

C. Except in the case of federally listed hazardous air pollutants, the director may by rule rescind the designation of an air pollutant as a hazardous air pollutant if the director finds that any of the criteria specified in subsection A is not satisfied.

D. Any person may petition the director to designate any air pollutant as a hazardous air pollutant pursuant to subsection A. The director shall within six months of the receipt of such a petition begin a rule making to designate the pollutant as a hazardous air pollutant pursuant to subsection A, if the petitioner demonstrates or the director finds that all of the criteria specified in subsection A are satisfied.

E. Any person may petition the director to rescind the designation of an air pollutant as a hazardous air pollutant pursuant to subsection B. The director shall within six months of the receipt of such a petition begin a rule making to rescind the designation of the air pollutant as a hazardous air pollutant pursuant to subsection B, if the petitioner demonstrates or the director finds that any of the criteria specified in subsection A is not satisfied.

F. The director shall not designate a conventional air pollutant as a hazardous air pollutant. This subsection shall not apply to any of the following pollutants:

1. Any pollutant that independently meets the criteria of subsection A and is a precursor to a conventional air pollutant.

2. Any pollutant that is in a class of conventional air pollutants.

#### 49-426.05. Designation of sources of hazardous air pollutants

A. The director may by rule designate a category of sources

that are subject to the state program for control of hazardous air pollutants established pursuant to section 49-426.06. In order to designate a category of sources pursuant to this section, the director shall find that emissions of hazardous air pollutants from sources in the category individually or in the aggregate result in adverse effects to human health or adverse environmental effects. In determining whether emissions from a category of sources result in adverse effects to human health or adverse environmental effects, the director shall consider the following:

1. The number of persons likely to be exposed to emissions from sources in the category.

2. Whether the category should be limited to sources with the potential to emit hazardous air pollutants in amounts exceeding the thresholds set forth in section 49-426.06, subsection A, paragraph 2.

3. Whether based on the criteria set forth in this subsection, the category should be limited to sources located in a particular geographic area. The director shall to the maximum extent practicable define source categories so that they cover only those sources for which the finding required by this subsection has been made.

B. In addition to the other authority provided by this chapter, the director may require persons who own or operate sources in a category that the director reasonably believes may qualify for designation pursuant to subsection A of this section to provide the director with notification of the types and amounts of hazardous air pollutants emitted by those sources. The owner or operator of the source shall provide readily available data regarding emissions from the source but shall not be required to conduct performance tests, sampling or monitoring in order to respond to a request under this subsection. Inaccuracies in any notification provided pursuant to this subsection shall not be violations of this chapter, if the inaccuracies result from good faith efforts to identify hazardous air pollutants emitted by the source or to estimate the amount of hazardous air pollutants emitted by the source.

C. When a new source that is within a category that has not been designated pursuant to subsection A of this section submits an application for a permit pursuant to section 49-426, the director may suspend action on the application pending the designation of the category pursuant to subsection A of this section if all of the following conditions are satisfied:

1. The director makes the finding required by subsection A of this section for the category to which the source belongs.

2. The director provides notice of the director's intent to suspend action on the application to the applicant on or before the date that a completeness determination is due under section 49-426.

3. The applicant does not elect to comply with section 49-426.06, subsection C or D.

D. A decision by the director to suspend action on a permit application pursuant to subsection C of this section is appealable pursuant to section 49-428.

49-426.06. State program for control of hazardous air pollutants

A. By November 1, 1993, the director shall by rule establish a state program for the control of hazardous air pollutants that meets the requirements of this section. The program established pursuant to this section shall apply to the following sources:

1. Sources that emit or have the potential to emit with controls ten tons per year or more of any hazardous air pollutant or twenty-five tons per year or more of any combination of hazardous air pollutants.

2. Sources that are within a category designated pursuant to section 49-426.05 and that emit or have the potential to emit with controls one ton per year or more of any hazardous air pollutant or two and one-half tons per year of any combination of hazardous air pollutants.

B. After rules adopted pursuant to subsection A of this section become effective pursuant to section 41-1032, a person shall not commence the construction or modification of a source that is subject to this section without first obtaining a permit or permit revision that complies with section 49-426 and subsection C or D of this section. For purposes of determining whether a change constitutes a modification, the director shall by rule establish appropriate de minimis amounts for hazardous air pollutants that are not federally listed hazardous air pollutants. In establishing de minimis amounts, the director shall consider any relevant guidelines or criteria promulgated by the administrator. A physical change to a source or change in the method of operation of a source is not a modification subject to this section if the change satisfies any of the following conditions:

1. The change complies with section 112(g)(1) of the clean air act.

2. The change, together with any other changes implemented or planned by the source, qualifies the source for an alternative emission limitation pursuant to section 112(i)(5) of the clean air act.

3. The change is required under a standard imposed pursuant to section 112(d) or 112(f) of the clean air act and the change is implemented after the administrator promulgates the standard.

C. A permit or permit revision issued to a new or modified source that is subject to the state hazardous air pollutant program under subsection A, paragraph 1 of this section shall impose the maximum achievable control technology for the new source or modification, unless the applicant demonstrates pursuant to subsection D of this section that the imposition of maximum achievable control technology is not necessary to avoid adverse effects to human health or adverse environmental effects. A permit or permit revision issued to a new or modified source that is subject to the state hazardous air pollutant program under subsection A, paragraph 2 of this section shall impose hazardous air pollutant reasonably available control technology for the new source or modification, unless the applicant demonstrates pursuant to subsection D of this section that the imposition of hazardous air pollutant reasonably available control technology is not necessary to avoid adverse effects to human health or adverse environmental effects. When a reliable method of measuring

emissions of a hazardous air pollutant subject to this section is not available, the director shall not require compliance with a numeric emission limit for the pollutant but shall instead require compliance with a design, equipment, work practice or operational standard, or a combination thereof. Standards imposed pursuant to this subsection shall apply only to hazardous air pollutants emitted in amounts exceeding the de minimis amounts established by the administrator or by the director pursuant to subsection B of this section. The director shall not impose a standard under this subsection that would require the application of measures that are incompatible with measures required under a standard imposed pursuant to section 49-426.03, subsection B.

D. If the owner or operator of a new source or modification subject to this section establishes that the imposition of maximum achievable control technology or hazardous air pollutant reasonably available control technology is not necessary to avoid adverse effects to human health or adverse environmental effects by conducting a scientifically sound risk management analysis and submitting the results to the director with the permit application for the new source or modification, the director shall exempt the source from the imposition of such technology. The risk management analysis may take into account the following factors:

1. The estimated actual exposure of persons living in the airshed of the source.
2. Available epidemiological or other health studies.
3. Risks presented by background concentrations of hazardous air pollutants.
4. Uncertainties in risk assessment methodology or other health assessment techniques.
5. Health or environmental consequences from efforts to reduce the risk.
6. The technological and commercial availability of control methods beyond those otherwise required for the source and the cost of such methods.

E. Where maximum achievable control technology or hazardous air pollutant reasonably available control technology has been established in a general permit for a defined class of sources pursuant to subsection C of this section and section 49-426, subsection H, the owner or operator of a source within that class may obtain a variance from the standard by complying with subsection D of this section at the time the source applies to be permitted under the general permit. If the owner or operator makes the demonstration required by subsection D of this section and otherwise qualifies for the general permit, the director shall, in accordance with the procedures established pursuant to section 49-426, approve the application and issue a permit granting a variance from the specific provisions of the general permit relating to the standard. Except as otherwise modified by the variance, the general permit shall govern the source.

F. If the clean air act has established provisions, including specific schedules, for the regulation of source categories pursuant to section 112(e)(5) and 112(n) of the clean air act, those provisions and schedules shall apply to the regulation of those source categories under subsection B of this section.

G. For any category or subcategory of facilities licensed by the nuclear regulatory commission, the director shall not adopt or enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the administrator pursuant to section 112 of the clean air act.

49-426.07. Imminent and substantial endangerment

Notwithstanding any permit granted pursuant to section 49-426.03 or 49-426.06, the director may seek injunctive relief as provided in section 49-462 on receipt of evidence that a source or combination of sources is presenting an imminent and substantial endangerment to public health or the environment.

49-426.08. Research program on hazardous air pollutants

A. In cooperation with the department of health services, the United States environmental protection agency and the national academy of sciences, the department of environmental quality shall undertake a comprehensive research program to evaluate the existing risk to public health related to hazardous air pollution and to provide options and recommendations for programs to control the release of hazardous substances into the ambient air. In developing the research program, the department shall prepare a research plan and subject that plan to national peer review. The research program shall be funded by monies from the air quality fund established pursuant to section 49-551 and shall include all of the following:

1. Identification of hazardous substances that are or may be emitted into the ambient air in this state and that present, through inhalation or other routes of exposure, a threat of adverse health effects or adverse environmental effects whether through ambient concentration, bioaccumulation, deposition or otherwise.

2. Identification and evaluation of methods for conducting ambient air monitoring, measuring emissions and performing related analyses.

3. A statewide survey to determine, through direct measurement and appropriate estimation techniques, concentrations of those hazardous substances in the ambient air and to estimate source contributions to ambient concentrations from permitted, nonpermitted and natural sources as well as background concentrations.

4. A statewide survey to identify permitted and nonpermitted sources of these substances and to gather information necessary to quantify emissions.

5. Identification and evaluation of alternative risk assessment methodologies.

6. Evaluation of alternative methods to perform atmospheric modeling and determine receptor-source relationships.

7. An assessment of residual risk after the implementation of controls during the terms of the research program.

8. An evaluation of estimated actual risk from exposure to those substances in this state.

9. An evaluation of the feasibility of, need for and potential methods for establishing ambient air quality standards or

health based guidelines for those substances.

10. A public education program to provide information and increase public awareness of hazardous air pollutants and the research program.

11. Other data that the director deems useful or necessary for the purpose of developing the research program.

B. Not later than September 1, 1995, the department shall publish a report of its findings and recommendations resulting from the research program conducted pursuant to this section. The report shall include recommendations as to what changes, if any, are needed to current law to protect public health and the environment from the effects of exposure to hazardous air pollution and shall consider the cost of achieving such changes and any non-air quality health and environmental impacts and energy requirements that may result from the changes. The director shall submit the report to the governor, the president of the senate and the speaker of the house of representatives and shall submit the report for national peer review. The director shall conduct meetings throughout this state in order to present the report to members of the general public and to receive comments.

49-427. Grant or denial of applications; revisions

A. The director shall deny a permit or revision if the applicant does not show that every such source is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of this article and the rules adopted by the director.

B. Prior to acting on an application for a permit, the director may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the source described in the application. In the event of such a requirement, the director shall notify the applicant in writing of the type and characteristics of such facilities.

C. In acting upon an application for a permit renewal, if the director finds that such a source has been constructed not in accordance with any prior permit or revision issued pursuant to section 49-426.01, the director shall require the person to obtain a permit revision or shall deny the application for such permit. The director shall not accept any further application for a source so constructed until the director finds that such source has been reconstructed in accordance with the prior permit or a revision, or until a revision to the permit has been obtained.

D. After a decision on a permit or revision, the director shall notify the applicant and any person who filed a comment to the permit pursuant to section 49-426 or the revision pursuant to section 49-426.01 in writing of the decision, and if the permit is denied, the reasons for such denial. Service of this notification may be made in person or by first class mail. The director shall not accept a further application unless the applicant has corrected the reasons for the objections specified by the director as reasons

for such denial.

49-428. Appeals of permit actions

A. Within thirty days after notice is given by the director of approval, denial or revocation of a permit, permit revision or conditional order, the applicant and any person who filed a comment on the permit or permit revision pursuant to section 49-426, subsection D, or on the conditional order pursuant to section 49-438, subsection C, may petition the hearing board, in writing, for a public hearing, which shall be held within thirty days after receipt of the petition. The hearing board, after notice and a public hearing, may sustain, modify or reverse the action of the director.

B. Any person having an interest that is or may be adversely affected may commence a civil action in superior court against the director alleging that the director has failed to act in a timely manner as provided in section 49-426, subsection C. No action may be commenced before sixty days after the plaintiff has given notice to the director. The court has jurisdiction to require the director to act without additional delay.

49-429. Permit transfers; notice; appeal

A. A permit shall not be transferable, whether by operation of law or otherwise, either from one location to another or from one source to another.

B. Subsection A shall not apply to mobile or portable source which is transferred from one location to another after notification to the department of the transfer.

C. A permit may be transferred from one person to another whether by operation of law or otherwise if the person who holds the permit notifies the director in writing before the transfer. The notice shall be in writing and shall include the name, address, telephone number and statutory agent of the person to whom the permit will be transferred, the effective date of the proposed transfer and other information the director may determine to be necessary by rule. The director shall prescribe procedures for this notice.

D. If the director determines that the transferee is not capable of operating the source in compliance with the requirements of this article, rules adopted under this article and the conditions established in the permit, the transfer shall be denied. In order for the denial to be effective, notice of the director's denial, including the reasons for the denial, shall be issued within ten working days of the director's receipt of the notice of proposed transfer.

E. Denial of a permit transfer is appealable by the transferor and the transferee to the air pollution control hearing board in the same manner as prescribed for denial of a permit in section 49-428.

49-430. Posting of permit

A person who has been granted an operating permit, shall firmly affix such permit, an approved facsimile of such permit, or other approved identification bearing the permit number upon such

machine, equipment, incinerator, device or other article for which the operating permit is issued in such a manner as to be clearly visible and accessible. In the event that such machine equipment, incinerator, device or other article is so constructed or operated that such permit cannot be so placed, the permit shall be mounted so as to be clearly visible in an accessible place within a reasonable distance of such machine, equipment, incinerator, device or other article, or maintained readily available at all times on the operating premises.

49-431. Notice by building permit agencies

All agencies that issue building permits shall examine the plans and specifications submitted by an applicant for a building permit to determine if an installation permit will possibly be required under the provisions of section 49-426. If it appears possible that such installation permit will be required, the agency shall give written notice to such applicant to contact the department and shall furnish a copy of such notice to the county air pollution control officer and the department.

49-432. Classification and reporting; confidentiality of records

A. The director, by rule, shall classify air contaminant sources according to levels and types of emissions and other characteristics which relate to air pollution, and shall require reporting for any such class or classes. Reports may be required as to physical outlets, processes and fuels used, the nature and duration of emissions and such other information as is relevant to air pollution and deemed necessary by the director.

B. The owner, lessee or operator of a source under the jurisdiction of the department shall provide, install, maintain, and operate such air contaminant monitoring devices as are reasonable, necessary, and required to determine compliance in a manner acceptable to the director, and shall supply monitoring information as directed in writing by the director. Such devices shall be available for inspection by the director, or his deputies, during all reasonable times.

C. The department shall make available to the public any records, reports or information obtained from any person pursuant to this chapter, including records, reports or information obtained or prepared by the director or a department employee, except that the information or any particular part of the information shall be considered confidential on either of the following:

1. Notice from the person accompanying the information or a particular part of the information that the information, if made public, would divulge the person's trade secrets as defined in section 49-201 or other information that is likely to cause substantial harm to the person's competitive position.

2. A determination by the attorney general that disclosure of the information or a particular part of the information would be detrimental to an ongoing criminal investigation or to an ongoing or contemplated civil enforcement action filed under this title in superior court.

D. If the director on his own or following a request for disclosure disagrees with the confidentiality notice, he may



request the attorney general to seek a court order authorizing disclosure. If a court order is sought, the person shall be served with a copy of the court filing and has twenty business days from the date of service to request a hearing on whether a court order should be issued. The hearing shall be conducted in camera, and any order resulting from the hearing is appealable as provided by law. The director may not disclose the confidential information until a court order authorizing disclosure has been obtained and becomes final. The court may award costs of litigation including reasonable attorney and expert witness fees to the prevailing party.

E. Notwithstanding subsection C, the department shall make available to the public the following information obtained from any person pursuant to this chapter:

1. The name and address of any permit applicant or permittee.
2. The chemical constituents, concentrations and amounts of any emission of any air contaminant.
3. The existence or level of a concentration of an air pollutant in the environment.

F. Notwithstanding subsection C, the director may disclose, with an accompanying confidentiality notice, any records, reports or information obtained by the director or department employees to:

1. Other state employees concerned with administering this chapter or if the records, reports or information is relevant to any administrative or judicial proceeding under this chapter.
2. Employees of the United States environmental protection agency if the information is necessary or required to administer and implement or comply with federal statutes or regulations.

#### 49-433. Special inspection warrant

A. The director and his deputies charged under this chapter or the rules and regulations adopted pursuant to this chapter with powers or duties involving inspection of real or personal property including buildings, building premises and building contents for the purpose of air pollution control shall be authorized to present themselves before a magistrate and apply for, obtain and execute special inspection warrants. Such inspections shall be limited to property other than the interior or structures used as private residences.

B. Upon showing by the affidavit of the director or his deputies that consent to entry for inspection purposes has been refused or circumstances justify the failure to seek such consent, special inspection warrants may be issued by a magistrate for inspection of public or private, real or personal properties. Such warrants shall not be necessary in the case of an emergency where there is an imminent and substantial endangerment to the health of persons.

C. The warrant shall be in substantially the following form:  
"County of ++++++, state of Arizona to the director or any deputy director in the state of Arizona, proof by affidavit having been this day made before me by (person or persons whose affidavit has been taken) that in and upon certain premises in the (city,

town or county) of ++++++ and more particularly described as follows: (describe the premises with reasonable particularity) there now exists a reasonable governmental interest to determine if such premises comply with (section ++++++ of the Arizona Revised Statutes) and/or (section ++++++ of regulation or ordinance). You are therefore commanded in the day time (or during reasonable business hours), to make an inspection of said premises as soon as practicable. Date, signature and title of office." The endorsement on the warrant shall be in substantially the following form: "Received by me ++++++, 19++, at +++++ o'clock +++++. (Name of director or deputy director)." The return of officer shall be in substantially the following form: "I hereby certify that by virtue of the within warrant I searched the named premises and found the following things (describe findings). Dated this +++++ day of +++++, 19++ (Name of director or deputy director)."

D. The warrant may be served by the director or his deputies mentioned in its directions, but by no other person except in aid of the director or his deputies, on his requiring it, the director or his deputies being present and acting in its execution.

E. A warrant shall be executed and returned to the magistrate who issued it within ten days after its date. After the expiration of that time, the warrant shall unless executed be void.

F. Any person who wilfully refuses to permit an inspection lawfully authorized by warrant issued pursuant to this article is guilty of a petty offense.

#### 49-435. Hearings on orders of abatement

A. An order of abatement issued by the director shall become effective immediately upon the expiration of the time during which a request for a hearing may be made pursuant to section 49-461 unless the person or persons named in such order shall have made a timely request for a hearing before the hearing board. If a hearing is requested, the hearing board shall hold the hearing within thirty days from receipt of the request unless such time is extended by the hearing board. Written notice of the time and place of the hearing shall be sent by the hearing board to the person or persons requesting the hearing and to the director, at least fifteen days before the hearing.

B. If the board, after the hearing, determines that the act or acts set forth in the order constitute a violation of any provision of this chapter or of the rules and regulations adopted pursuant to this chapter or any requirement of an operating or conditional permit issued pursuant to this chapter and that no conditional permit is justified, the board shall affirm or modify the order for abatement. The order may be conditional and require a person to refrain from the particular act or acts unless certain conditions are met.

#### 49-437. Conditional orders; standards; rules

A. The director may grant to any person a conditional order for each air pollution source which allows such person to vary from any provision of this article, any rule adopted pursuant to this article, or any requirement of a permit issued pursuant to this

article if the director makes each of the following findings:

1. Issuance of the conditional order will not endanger public health or the environment, or impede attainment of the national ambient air quality standards.

2. Either of the following is true:

(a) There has been a breakdown of equipment or upset of operations beyond the control of the petitioner; the source was in compliance before the breakdown or upset; and the breakdown or upset may be corrected within a reasonable time.

(b) There is no reasonable relationship between the economic and social cost of, and benefits to be obtained from, achieving compliance.

B. The director shall adopt rules necessary for the issuance of conditional orders. Such rules shall specify the minimum requirements for petitions, and procedures for processing petitions and for public participation. For a conditional order that would vary from a requirement of the state implementation plan, the rules adopted by the director shall provide for a public hearing to receive comments on the petition. For a conditional order that would vary from a requirement of a permit issued pursuant to this article, the rules adopted by the director shall conform to the procedures established for permit revisions pursuant to section 49-426.01.

49-438. Petition for conditional order; publication; public hearing

A. A person who seeks a conditional order shall file a petition with the director.

B. If the issuance of the conditional order requires a public hearing, the director shall set a hearing date within thirty days after the filing of the petition. The hearing date shall be within sixty days after the filing of the petition.

C. Notice of the filing of a petition for a conditional order and of the hearing date on said petition shall be published in the manner provided in section 49-444. The notice shall state that any person may submit comments on the petition. A written comment shall state the name of the person and the person's agent or attorney and shall clearly set forth reasons why the petition should or should not be granted. Grounds for comment shall be limited to whether the petition meets the criteria for issuance of a conditional order prescribed in section 49-437.

49-439. Decisions on petitions for conditional order; terms and conditions

A. Within thirty days after the conclusion of the hearing held pursuant to section 49-438, subsection B, or, if no hearing is held, within sixty days after the filing of the petition, the director shall deny the petition or grant the petition on such terms and conditions as the director deems appropriate.

B. The terms and conditions which are imposed as a condition to the granting or the continued existence of a conditional order shall include, but not be limited to:

1. A detailed plan for completion of corrective steps needed to conform to the provisions of this article, the rules adopted

pursuant to this article, and the requirements of the permit issued pursuant to this article.

2. A requirement that necessary construction shall begin as expeditiously as practicable.

3. Such written reports as may be required.

4. The right to make periodic inspection of the facilities for which the conditional order is granted.

C. A reasonable fee as may be prescribed by the director shall be deposited in the air pollution control permit fund established in section 49-555.

49-440. Term of conditional order; effective date

A. A conditional order issued by the director shall be valid for such period as the director prescribes but in no event for more than one year in the case of a source that is required to obtain a permit pursuant to this article and title V of the clean air act, and three years in the case of any other source that is required to obtain a permit pursuant to this article.

B. A holder of a conditional order may petition the director for renewals of such order. The total term of such renewals and the initial period of such order shall not exceed three years from the date of initial issuance of such order. Such petition may be filed at any time not more than sixty days nor less than thirty days prior to the expiration of such order. The director, within thirty days of receipt of such petition, shall renew the conditional order for one year if the petitioner is in compliance with and conforming to the terms and conditions imposed pursuant to section 49-439. The director may refuse to renew the conditional order, if after a public hearing held within thirty days of receipt of such petition the director finds that the petitioner is not in compliance with and conforming to the terms and conditions of the conditional order. If, after a period of three years from the date of original issuance, the petitioner is not in compliance with and conforming to such terms and conditions, the director may renew such conditional order for a total term of two additional years if the director finds that such failure to comply and conform is due to conditions beyond the control of such petitioner.

C. If the director amends or adopts any rule imposing conditions on the operation of an air pollution source which have become effective as to the source by reason of the action of the director or otherwise, and which require the implementation of control strategies necessitating the installation of additional or different air pollution control equipment, the director may renew a conditional order for an additional term. The term of the renewal shall be governed by the preceding subsections of this section, except that the total term of the renewal shall not exceed two years.

D. Except as provided in paragraphs 1 and 2 of this subsection, a conditional order issued by the director shall be effective when issued if:

1. The conditional order varies from the requirements of the state implementation plan, the conditional order shall be submitted to the administrator as a revision to the state implementation plan pursuant to section 110(1) of the clean air act, and shall become

effective upon approval by the administrator.

2. The conditional order varies from the requirements of a permit issued for a facility that is required to obtain a permit pursuant to title V of the clean air act, the conditional order shall be submitted to the administrator if required by section 505 of the clean air act, and in such case shall be effective at the end of the review period specified in such section, unless objected to within such period by the administrator.

#### 49-441. Suspension and revocation of conditional order

If the terms and conditions of the conditional order are being violated, the director may seek to revoke or suspend the conditional order granted. In such event, the director shall serve notice of such violation on the holder of the conditional order in the manner provided in section 49-444. The notice shall specify the nature of such violation and the date on which a hearing will be held to determine if such a violation has occurred and whether the conditional order should be suspended or revoked. The date of the hearing shall be within thirty days from the date the notice is served upon the holder of the conditional order.

#### 49-442. Decisions of hearing board; subpoenas; time limitations; revocation

A. All decisions of the hearing board, including the majority opinion and all concurring and dissenting opinions, shall be in writing and shall be of public record.

B. A majority of the total membership of the hearing board shall concur in a decision for it to have effect.

C. The chairman or, in his absence, the vice chairman may issue subpoenas to compel attendance of any person at a hearing and require the production of books, records and other documents material to a hearing. Obedience to subpoenas may be enforced pursuant to section 12-2212.

D. Subject to the approval of the director, the hearing board may adopt a manual of procedures governing its operation.

E. Decisions of the hearing board shall become effective not less than thirty days after they are issued unless:

1. A rehearing is granted which shall have the effect of staying the decision.

2. It is determined that an emergency exists which justifies an earlier effective date.

F. The hearing board may revoke or modify an order of abatement a permit or permit revision previously issued at the county level only after first holding a hearing within thirty days from the giving of notice of such hearing as provided in section 49-444.

G. When the department has asserted control pursuant to section 49-402 the hearing board may revoke or modify an order of abatement or a permit or permit revision previously issued at the county level only after first holding a hearing within thirty days from the giving of notice of such hearing as provided in section 49-444.

49-443. Judicial review; grounds; procedures

A. Judicial review of hearing board decisions shall be pursuant to the provisions of title 12, chapter 7, article 6, except as provided in this section.

B. Within thirty days after service of notice of a final decision or order of the board, or an order denying a rehearing timely applied for, any person who was a party of record in the proceedings before the board, including the director or department, may appeal therefrom to the superior court of Maricopa county and the scope of such review shall be determined pursuant to section 12-910.

C. A notice of appeal, designating the grounds therefore, and a demand in writing for a certified transcript of the testimony and exhibits shall be filed with the court and served on the board. After receipt of the demand, accompanied by payment of a fee of the current prevailing rate for transcript, and one dollar for certification thereof, the board shall make and certify the transcript and file it with the clerk of the court to which the appeal has been taken within thirty days, unless extended by agreement of the parties or order of the court.

D. When an appeal is taken from an order or decision of the board, such order or decision shall remain in effect pending final determination of the matter, unless stayed by the court, on a hearing after notice to the board and upon a finding by the court that there is probable cause for appeal and that great or irreparable damage may result to the petitioner warranting such stay.

E. An appeal may be taken to the court of appeals from the order of the superior court as in other civil cases. Proceedings under this section shall be given precedence and brought to trial ahead of other litigation concerning private interests and other matters that do not affect public health and welfare.

49-444. Notice of hearing; publication; service

A. Any notice of hearing required by this chapter shall be given by publication of a notice of hearing for at least two times in a newspaper of general circulation published in the county concerned or if there is no such newspaper published in the county, in a newspaper of general circulation published in an adjoining county.

B. If the hearing involves any violation of rules or regulations adopted pursuant to this chapter, or a conditional order therefrom then, in addition to the requirements of subsection A, the person allegedly committing or having committed the violation or requesting the conditional order shall be served personally or by registered or certified mail at least fifteen days prior to the hearing with a written notice of hearing.

49-447. Motor vehicle and combustion engine emission; standards

The director shall adopt rules and regulations setting forth standards controlling the release into the atmosphere of air contaminants from motor vehicles and combustion engines. Any rules or regulations promulgated pursuant to this section shall be consistent with provisions of federal law, if any, relating to

control of emissions from motor vehicles or combustion engines. This authority shall apply to implement the provisions of sections 28-955, 28-327 and 49-542.

49-448. Limitations

Nothing in this chapter shall be construed so as to:

1. Grant any jurisdiction or authority with respect to air contamination or pollution existing solely within commercial and industrial plants, works or shops owned by or under control of the person causing the air contamination or pollution.

2. Alter or in any other way affect the relations between employers and employees with respect to or concerning any condition of air contamination or pollution, except that a person using a supplemental control system or intermittent control system for purposes of meeting the requirements of an order under section 113 (d) or section 119 of the federal clean air act, as amended or for purposes of receiving an operating permit in the form of a primary nonferrous smelter order authorized under section 119 of the federal clean air act, as amended, may not temporarily reduce the pay of any employee by reason of the use of such supplemental or intermittent or other dispersion dependent control system.

49-453. Air quality impact reports; filing

A. Every state agency, board and commission shall prepare an air quality impact report on a state funded project relating to transportation which it proposes to carry out or approve and which it determines may have a significant impact on air quality as it relates to carbon monoxide and ozone. The report shall contain the following information:

1. A description of the proposed project.
2. Any significant impact on air quality of the proposed project.
3. Significant environmental effects which cannot be avoided if the project is implemented.
4. Mitigation measures proposed to minimize any significant air quality effects.
5. Alternatives to the proposed project including car pooling or van pooling lanes and bicycle routes.
6. Any significant irreversible air quality changes which would be involved in the proposed project if it is implemented.
7. The known views of any local groups concerning the proposed project.

B. The report shall also contain a statement briefly indicating the reasons for determining that various effects of a project are not significant and consequently have not been discussed in detail in the impact report.

C. If authority over a project is shared jointly by an agency and a board or by an agency and a commission, the agency shall prepare the report.

D. This section does not apply to:

1. Emergency repairs to public service facilities which are necessary to maintain service.

2. Projects which are undertaken, carried out or approved by a state agency, board or commission to maintain, repair, restore,

demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been declared by the governor.

3. Projects related to the interstate highway system.
4. State projects involving existing facilities.
- E. The report shall be filed with the director.

49-454. Adjusted work hours

A. A business which has five hundred or more employees at one site in a nonattainment area as defined in section 49-541 shall submit a schedule prior to October 1 of each year to the director which shows an adjusted work hour proposal that will reduce the level of carbon monoxide concentrations caused by vehicular travel.

B. A business which has one hundred or more employees at one site working in a nonattainment area as defined in section 49-541 may implement an adjusted work hour schedule in order to reduce the level of carbon monoxide concentrations caused by vehicular travel.

C. The director shall transmit the reports received pursuant to subsection A of this section to the committee on air quality compliance on or before December 1 of each year.

49-455. Permit administration fund

A. A permit administration fund is established in the state treasury consisting of fees, penalties and interest collected pursuant to this article. The director shall administer the fund. On notice from the director, the state treasurer shall invest and divest monies in the fund as provided in section 35-313, and monies earned from investment shall be credited to the fund. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

B. Monies in the fund collected pursuant to sections 49-426, 49-426.01, 49-463 and 49-464 shall be used for the following:

1. In the case of fees collected pursuant to section 49-426, subsection F, paragraph 1, all reasonable direct and indirect costs required to develop and administer the permit program requirements of title V of the clean air act.

2. In the case of other fees, administering permits or revisions issued pursuant to section 49-426 or 49-426.01 or conducting inspections.

C. No more than five per cent of the monies in the fund may be used for the collection of monies, unless otherwise provided under title V of the clean air act.

D. No more than five per cent of the monies in the fund may be used for general administration of the fund unless otherwise provided under title V of the clean air act.

49-456. Technical assistance for small business; compliance advisory panel

A. Not later than November 15, 1992, after reasonable notice and a public hearing, the director shall submit to the administrator a plan establishing a small business stationary source technical and compliance assistance program consistent with



and equivalent to the plan required under section 507 of the clean air act.

B. A compliance advisory panel is established consisting of seven members who are appointed for staggered five year terms as follows:

1. Two members who are appointed by the governor to represent the general public and who are not owners or representatives of owners of small business stationary sources.

2. Two members who are appointed by the speaker of the house of representatives and who are owners or who represent owners of small business stationary sources.

3. Two members who are appointed by the president of the senate and who are owners or who represent owners of small business stationary sources.

4. One member who is appointed by the director of the department of environmental quality to represent the department.

C. The panel shall:

1. Advise the director on the effectiveness of the small business stationary source technical and environmental compliance assistance program operated pursuant to this section and any such program operated by a county, including the identification of difficulties encountered and the degree and severity of enforcement.

2. Make periodic reports to the director and administrator concerning the compliance of the small business stationary source technical and environmental compliance assistance program operated pursuant to this section and any such program operated by a county with the requirements of the paperwork reduction act (P.L. 96-511; 20 United States Code section 1221), the regulatory flexibility act (P.L. 96-354; 5 United States Code section 601) and the equal access to justice act (P.L. 96-481; 5 United States Code section 504).

3. Review information developed by the department and any county for small business stationary sources to assure that the information is understandable by the general public and advise the director of its findings.

4. Have staff from the small business stationary source technical and environmental compliance assistance program to develop and disseminate reports and advisory opinions.

#### 49-460. Violations; production of records

When the director has reasonable cause to believe that any person has violated or is in violation of any provision of this article, any rule adopted pursuant to this article or any requirement of a permit issued pursuant to this article, he may request in writing that such person produce all existing books, records and other documents evidencing tests, inspections or studies which may reasonably relate to compliance or noncompliance with rules adopted pursuant to this article.

#### 49-461. Violations; order of abatement

When the director has reasonable cause to believe that any person has violated or is in violation of any provision of this article, any rule adopted pursuant to this article or any requirement of a permit issued pursuant to this article, he may

serve upon such person by certified mail or in person an order of abatement or may file a complaint in superior court alleging a violation pursuant to section 49-463. The order shall state with particularity the act constituting the violation, shall state in its entirety the specific requirement, provision or rule violated, shall state the duration of the order and shall state that the alleged violator is entitled to a hearing, if such hearing is requested in writing within thirty days after the date of issuance of the order. The order may be conditional and require a person to refrain from particular acts unless certain conditions are met. An order issued under this section shall require the persons to whom it is issued to comply with the requirement, provision or rule as expeditiously as practicable. In the case of a source required to obtain a permit pursuant to this article and title V of the clean air act, the order shall require compliance no later than one year after the date the order was issued, and shall be nonrenewable.

#### 49-462. Violations; injunctive relief

The attorney general, at the request of the director, shall file an action for a temporary restraining order, a preliminary injunction, a permanent injunction or any other relief provided by law, if the director has reasonable cause to believe that any of the following is occurring:

1. A person has violated or is in violation of any provision of this article, a rule adopted pursuant to this article or a permit issued pursuant to this article.

2. A person has violated or is in violation of an effective order of abatement.

3. A person is creating an imminent and substantial endangerment to the public health or the environment because of a release of a harmful air contaminant, unless that release is subject to enforcement under title 3, chapter 2, article 6.

#### 49-463. Violations; civil penalties

A. A person who violates any provision of this article, any permit or permit condition issued pursuant to this article, any fee or filing requirement, any rule adopted pursuant to this article, an effective order of abatement issued pursuant to this article or any duty to allow or carry out inspection, entry or monitoring activities, is subject to a civil penalty of not more than ten thousand dollars per day per violation. The attorney general at the request of the director shall file an action in superior court to recover penalties provided for in this section.

B. For purposes of determining the number of days of violation for which a civil penalty may be assessed under this section, if the director has notified the source of the violation and makes a prima facie showing that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of notice, the days of violation shall be presumed to include the date of such notice and each day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in

nature. Notice under this section is accomplished by the issuance of a notice of violation or order of abatement or by filing a complaint in superior court that alleges any violation described in subsection A of this section.

C. In determining the amount of a civil penalty under this section, the court shall consider all of the following:

1. The seriousness of the violation.
2. As an aggravating factor only, the economic benefit, if any, resulting from the violation.
3. Any history of that violation.
4. Any good faith efforts to comply with the applicable requirements.
5. The economic impact of the penalty on the violator.
6. The duration of the violation as established by any credible evidence including evidence other than the applicable test method.
7. Payment by the violator of penalties previously assessed for the same violation.
8. Other factors the court deems relevant.

D. All penalties collected pursuant to this section shall be deposited in the air pollution control permit fund established in section 49-455.

#### 49-464. Violation; classification; definitions

From and after October 31, 1994:

A. A person who knowingly releases into the ambient air any extremely hazardous substance listed pursuant to 42 U.S.C. section 11002(a)(2) or any hazardous air pollutant and who knows at the time that he thereby places another person in imminent danger of death or serious bodily injury shall be guilty of a class 2 felony. For any air pollutant for which the administrator or director has established a standard by regulation or in a permit, a release of such pollutant in accordance with that standard shall not constitute a violation of this subsection. For purposes of determining whether a defendant who is an individual knew that the violation placed another in imminent danger of serious bodily injury both of the following shall apply:

1. The defendant is responsible only for actual awareness or actual belief possessed.

2. Knowledge possessed by another person but not by the defendant may not be attributed to the defendant.

Notwithstanding paragraphs 1 and 2 of this subsection, circumstantial evidence, including evidence that the defendant took affirmative steps to be shielded from relevant information, may be used to prove knowledge.

B. A person who operates a source that is required to have a permit both under this article and under title V of the clean air act and who knowingly operates such source without a permit issued by the director and without having filed a complete application for renewal of an existing permit in accordance with title V of the clean air act and this article is guilty of a class 5 felony.

C. A person who operates a source that is subject to an emission standard that is required to be imposed in the source's permit both under this article and under title V of the clean air

act, and who knowingly violates such emission standard is guilty of a class 5 felony.

D. A person who is subject to an effective order of abatement issued under this article and who knowingly violates such order is guilty of a class 5 felony.

E. A person who is required by the director pursuant to this article to conduct performance tests, and who knowingly alters or modifies any such performance test in order to render the results inaccurate is guilty of a class 5 felony.

F. A person who is required by the director to maintain any monitoring device pursuant to this article, and who knowingly alters, modifies or destroys such monitoring device in order to render the device inaccurate is guilty of a class 5 felony.

G. A person who operates a source that is required to have a permit issued pursuant to this article and that is subject to a material permit condition other than an emission standard identified in subsection C of this section, and who knowingly violates such permit condition is guilty of a class 6 felony. For purposes of this subsection a material permit condition means a permit condition determined by the director by rule to be material after considering the following criteria:

1. The effect of the permit condition on public health and the environment.

2. The effect of the permit condition on the department's ability to enforce the permit program.

3. The effect of noncompliance with the permit condition on emissions.

4. The effect of the permit condition on the director's ability to determine a source's compliance status.

The director shall adopt the rules required by this subsection and section 49-514, subsection G by November 1, 1993.

H. A person who is required to obtain a permit before commencing construction of a source both under this article and under title V of the clean air act, and who knowingly commences construction of such source without a permit issued by the director is guilty of a class 6 felony.

I. A person who operates a source that is not identified in subsection B of this section and that requires a permit under this article, and who knowingly operates such source without a permit issued by the director and without having filed a complete application for renewal of an existing permit in accordance with this article is guilty of a class 6 felony.

J. A person who is required by the director pursuant to this article to operate a monitoring device, and who knowingly fails to maintain, operate or repair such monitoring device in order to render the device inaccurate is guilty of a class 6 felony.

K. A person who is required to obtain a permit to commence construction of a source under this article but not under title V of the clean air act, and who acting with criminal negligence commences construction of such source without a permit issued by the director is guilty of a class 1 misdemeanor.

L. A person who acting with criminal negligence does any of the following is guilty of a class 1 misdemeanor:

1. Violates a permit condition not described in subsection C

or G of this section.

2. Violates an opacity standard, unless the opacity standard is required by section 111 or title I, part C or D, of the clean air act.

3. Violates a fee or filing requirement established both under this article and under title V of the clean air act.

4. Violates any other provision of this article for which a penalty is not otherwise prescribed.

M. Under this section, a knowing violation that continues for more than one day, but that results from a single act or series of related acts, constitutes the commission of a single offense.

N. The attorney general may enforce the provisions of this section.

O. In determining the amount of a fine under this section, the court shall consider all of the following:

1. The seriousness of the violation.
2. As an aggravating factor only, the economic benefit, if any, resulting from the violation.
3. Any history of that violation.
4. Any good faith efforts to comply with the applicable requirements.

5. The economic impact of the penalty of the violator.

6. The duration of the violation as established by any credible evidence including evidence other than the applicable test method.

7. Payment by the violator of penalties previously assessed for the same violation.

8. Other aggravating and mitigating factor as the court deems relevant.

P. It shall be an affirmative defense to any prosecution under subsection A of this section that the conduct charged was freely consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of either of the following:

1. An occupation, business or profession.
2. Medical treatment or medical or scientific experimentation conducted by professionally approved methods provided that the person endangered was made aware of the risk involved in the treatment or experimentation prior to giving consent.

Q. It shall be an affirmative defense to any prosecution for violation of an emission standard or opacity standard under subsection C or G or subsection L, paragraph 1, 2 or 4 of this section that both of the following conditions were satisfied:

1. The violation was reported by verbal or facsimile notification to the director within twenty-four hours after the source first learned of the violation.

2. The owner or operator of the source provided written notification to the director containing all of the following information within seventy-two hours following the verbal or facsimile notification:

- (a) Confirmation of the violation for which verbal or facsimile notification was provided.

- (b) Identification of the practicable corrective measures that have been undertaken or will be undertaken to control and

minimize emissions until compliance with the applicable standard is achieved.

In the case of continuous or recurring violations, the notification requirement shall be satisfied if the source provides the required notification after violations are first detected and includes in such notification an estimate of the time the violations will continue. Violations occurring after the estimated time period shall require additional notification pursuant to the first sentence of this paragraph.

R. It shall be an affirmative defense to any prosecution under subsection B, H, I or K of this section for operating a source or commencing construction without a permit that, after accurately disclosing in writing all relevant information that is necessary to assess the requirement to obtain a permit and that is requested by a permitting authority, the defendant obtained and relied upon the written advice of a permitting authority that no permit was necessary. Failure of a permitting authority to respond in writing to a request for a determination under this subsection within fourteen days after receiving the information described above shall be deemed to be advice that no permit was necessary for purposes of this subsection.

S. The defendant may establish an affirmative defense provided by this section by a preponderance of the evidence.

T. Under this section, to prove a knowing violation the state must prove actual knowledge of circumstances constituting each element of the offense which, as defined, requires proof of a culpable mental state. Actual knowledge may be proved by either direct or circumstantial evidence, including evidence that the person deliberately avoided acquiring such knowledge. A person's knowledge may not be inferred merely by his or her position within an enterprise.

U. For purposes of this section, the term "emission standard" means a numeric limitation on the volume or concentration of air pollutants in emissions from a source or a specific design, equipment or work practice standard, the purpose of which is to eliminate or reduce the volume or concentration of pollutants emitted by a source. The term emission standard does not include opacity standards. Violations of emission standards shall be determined in the manner prescribed by the applicable regulations issued by the administrator or the director.

#### 49-465. Air pollution emergency

A. If the director determines that air pollution in any area constitutes or may constitute an emergency risk to the health of those in the area or that national ambient air quality standards are likely to be exceeded, such determination shall be communicated to the governor. The governor may, by proclamation, declare that an emergency exists and may prohibit, restrict or condition the following:

1. Motor vehicle traffic.
2. The operation of retail, commercial, manufacturing, governmental, industrial, or similar activity.
3. Operation of incinerators.
4. The burning or other consumption of fuels.

5. The burning of any materials whatsoever.

6. Any and all other activity which contributes or may contribute to the emergency.

B. If the governor declares that an emergency exists pursuant to subsection A, the governor shall prohibit, restrict or condition the employment schedules for employees of this state and its political subdivisions, and on a voluntary basis only, may encourage private employers to develop similar work rules to restrict vehicle emissions during air quality emergencies. Any unscheduled leave that an employee of this state or its political subdivisions is required to take because of the prohibition, restriction or condition shall be leave with pay.

C. Orders of the governor shall be enforced by the department and the state and local police and air pollution enforcement personnel forces. Those authorized to enforce the orders may use reasonable force required in the enforcement of the orders, and may take reasonable steps required to assure compliance, including but not limited to the following:

1. Enter upon any property or establishment believed to be violating the order and, if a request does not produce compliance, cause compliance with such order.

2. Stopping, detouring, rerouting, and prohibiting vehicle traffic.

3. Disconnecting incinerator or other types of combustion facilities.

#### 49-466. Precedence of actions

For the benefit of the people of the state, court actions and proceedings brought under this article shall be given precedence and brought to trial ahead of other litigation concerning private interests and other matters that do not affect public health and welfare.

#### 49-467. Preservation of rights

It is the purpose of this article to provide additional and cumulative remedies to prevent, abate and control air pollution in the state. Nothing contained in this article shall be construed to abridge or alter rights of action or remedies in equity under the common law or statutory law, criminal or civil, nor shall any provisions of this article, or any act done by virtue thereof, be construed as estopping the state or any municipality, or owners of land from the exercise of their rights in equity or under the common law or statutory law to suppress nuisances or to abate pollution.

### ARTICLE 3. COUNTY AIR POLLUTION CONTROL

#### 49-471. Definitions

In this article, unless the context otherwise requires:

1. "Advisory council" means any county air pollution control advisory council established pursuant to this article.

2. "Air contaminants" includes smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, or noxious chemicals, or any other material in the outdoor atmosphere.

3. "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in sufficient quantities, which either alone or in connection with other substances, by reason of their concentration and duration are or tend to be injurious to human, plant or animal life, or causes damage to property, or unreasonably interferes with the comfortable enjoyment of life or property of a substantial part of a community, or obscures visibility, or which in any way degrades the quality of the ambient air below the standards established by the board of supervisors.

4. "Board of supervisors" means any county board of supervisors.

5. "Control officer" means the executive head of the department authorized or designated to enforce air pollution regulations, or the executive head of an air pollution control district established pursuant to section 49-473.

6. "Hearing board" means any county air pollution hearing board established pursuant to this article.

7. "Person" includes any public or private corporation, company, partnership, firm, association or society of persons, the federal government and any of its departments or agencies, the state and any of its agencies, departments or political subdivisions, as well as a natural person.

8. "Special inspection warrant" is an order in writing issued in the name of the state of Arizona, signed by a magistrate, directed to the control officer or his deputies, authorizing him to enter into or upon public or private property for the purpose of making an inspection authorized by law.

#### 49-472. Department studies

Upon the request of any county by its board of supervisors, the department shall conduct such studies as are requested, and at the expense of such county, but limited to the county making the request. Such studies shall be made to determine the nature, extent, distribution and sources of air pollution within such county and the possible methods of control and abatement of such pollution within the county making the request. In the conduct of such requested studies the department may seek cooperative arrangements with state universities and other educational institutions of the state, or with other state departments, the county, municipalities or private agencies of any kind which have available facilities or personnel, or both, suitable for the conduct of one or more areas of such research, under the



supervision of the department.

49-473. Board of supervisors

A. The board of supervisors of a county, in order to conserve and promote the public health, safety, and general welfare, shall within its territorial limits, or any portion thereof, investigate the degree to which the atmosphere of the county is contaminated by air pollution and the causes, sources, and extent of such air pollution or, if the state is developing a study in the county pursuant to section 49-424, cooperate with and assist the state in such a study.

B. The board of supervisors of a county shall authorize or designate an existing department of the county government or establish an air pollution control district to carry out the necessary investigations, inspections, and enforcement of any rules and regulations adopted pursuant to this article.

C. The board of supervisors of a county may in lieu of the provisions of subsection B, in addition to the joint exercise of powers provided for in title 11, chapter 7, article 3, establish a multi-county air quality control region with one or more other counties by agreement with the board of supervisors of such other county or counties, and contract for the joint administration of this article within such region, including, but not limited to, the joint adoption of regulations and standards and the enforcement thereof by a joint region hearing board. Any region created under this subsection shall be governed by all of the provisions applicable to a county.

49-474. County control boards

The board of supervisors of each county may authorize the board of health or health department of their respective counties in cooperation with the department of environmental quality to:

1. Study the problem of air pollution in the county.
2. Study possible effects on adjoining counties.
3. Cooperate with chambers of commerce, industry, agriculture, public officials and all other interested persons or organizations.
4. Hold public hearings if in their discretion such action is necessary.
5. The board of supervisors by resolution may establish an air pollution control district.

49-474.01. Additional board duties in nonattainment areas

A. The board of supervisors of a county which contains a vehicle emissions control area as defined in section 49-541 shall:

1. In area A, as defined in section 49-541, in consultation with the designated metropolitan planning organization, synchronize traffic control signals on all roadways, within and across jurisdictional boundaries, which have a traffic flow exceeding fifteen thousand motor vehicles per day. The synchronization shall be completed not later than September 30, 1994.

2. In area B, synchronize traffic control signals on roadways with a traffic flow exceeding fifteen thousand motor vehicles per day.

3. Implement adjusted work hours for at least eighty-five per cent of county employees each year beginning October 1 and ending April 1 in order to reduce the level of carbon monoxide concentrations caused by vehicular travel.

B. Not later than May 31, 1994 the board of supervisors of a county in area A as defined in section 49-541 shall make and enforce ordinances consistent with the provisions of section 49-588 to reduce or encourage the reduction of the commuter use of motor vehicles by employees of the county and employees whose place of employment is within the county.

C. The board of supervisors in a county with a population of more than one million two hundred thousand persons according to the most recent federal decennial census shall develop and implement a vehicle fleet plan for the purpose of encouraging and progressively increasing the use of alternative fuels in county owned vehicles. The plan shall include a timetable for increasing the use of alternative fuels in fleet vehicles either through purchase or conversion. The timetable shall reflect the following schedule and percentage of vehicles which operate on alternative fuels:

1. At least eighteen per cent of the total fleet by December 31, 1994.

2. At least twenty-five per cent of the total fleet by December 31, 1996.

3. At least fifty per cent of the total fleet by December 31, 1998.

4. At least seventy-five per cent of the total fleet by December 31, 2000 and each year thereafter.

D. The requirements of subsection C of this section may be waived on receipt of certification supported by evidence acceptable to the department that the county is unable to acquire or be provided equipment or refueling facilities necessary to operate vehicles using alternative fuels at a projected cost that is reasonably expected to result in net costs of no greater than ten per cent more than the net costs associated with the continued use of conventional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied.

E. For the purpose of this section "alternative fuel" means fuel types and power sources as defined pursuant to section 41-803.

#### 49-475. Powers and duties

The air pollution control district established by the board of supervisors shall have the power to:

1. Have perpetual succession.

2. Sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. Adopt a seal and alter it at its pleasure.

4. Take by grant, purchase, gift, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.

5. Lease, sell or dispose of any property or any interest therein whenever in the judgment of the air pollution control board such property, or any interest therein, or part thereof, is no

longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district.

49-476. Authorization to accept funds or grants

The department of environmental quality, county health departments, or boards of supervisors may accept and expend in accordance with the terms of the grant any funds granted to it for research of air pollution by the federal government, any political subdivision of the state, any agency or branch of the federal or state governments, or any private agency.

49-476.01. Monitoring

A. The control officer may require, as specified in subsections B and C of this section, any source of air contaminants to monitor, sample or perform other studies to quantify emissions of air contaminants or levels of air pollution that may reasonably be attributable to that source, if the control officer either:

1. Determines that monitoring, sampling or other studies are necessary to determine the effects of the facility on levels of air pollution.

2. Has reasonable cause to believe a violation of this article, rules adopted pursuant to this article or a permit issued pursuant to this article has been committed.

3. Determines that those studies or data are necessary to accomplish the purposes of this article, and that the monitoring, sampling or other studies by the source are necessary in order to assess the impact of the source on the emission of air contaminants.

B. The board of supervisors shall adopt rules requiring sources of air contaminants to monitor, sample or otherwise quantify their emissions or air pollution which may reasonably be attributable to such sources for air contaminants for which ambient air quality standards or emission standards or design, equipment, work practice or operational standards have been adopted pursuant to section 49-424 or section 49-425, subsection A. In the development of the rules, the board shall consider the cost and effectiveness of the monitoring, sampling or other studies.

C. For those sources of air contaminants for which rules are not required to be adopted pursuant to subsection B of this section, the control officer may require a source of air contaminants, by permit or order, to perform monitoring, sampling or other quantification of its emissions or air pollution that may reasonably be attributed to such a source. Before requiring such monitoring, sampling or other quantification by permit or order, the control officer shall consider the relative cost and accuracy of any alternatives which may be reasonable under the circumstances such as emission factors, modeling, mass balance analyses or emissions projections. The control officer may require such monitoring, sampling or other quantification by permit or order if the control officer determines in writing that all of the following conditions are met:

1. The actual or potential emissions of air pollution may

adversely affect public health or the environment.

2. An adequate scientific basis for the monitoring, sampling or quantification method exists.

3. The monitoring, sampling or quantification method is technically feasible for the subject contaminant and the source.

4. The monitoring, sampling or quantification method is reasonably accurate.

5. The cost of the method is reasonable in light of the use to be made of the data.

D. Orders issued or permit conditions imposed pursuant to this section shall be appealable to the hearing board in the same manner as that prescribed for orders of abatement in sections 49-489 and 49-490 and for permit conditions in section 49-482.

#### 49-477. Advisory council

The board of supervisors may appoint an advisory council of such membership as it deems necessary to advise and consult with the board of supervisors, the control agency, and the control officer in effecting the purposes of this article.

#### 49-478. Hearing board

A. The board of supervisors shall appoint an air pollution hearing board.

B. The hearing board shall consist of five members. The five members shall be knowledgeable in the field of air pollution. At least one member of the board shall be an attorney licensed to practice law in this state. At least three members shall not have a substantial interest, as defined in section 38-502, in any person required to obtain a permit pursuant to this article. Each board member shall serve for a term of three years.

C. The hearing board shall select a chairman and vice-chairman and such other officers as it deems necessary.

D. The board of supervisors may authorize compensation for hearing board members, and may authorize reimbursement for subsistence and travel, including travel from and to their respective places of residence when on official business.

#### 49-479. Rules; hearing

A. The board of supervisors shall adopt such rules as it determines are necessary and feasible to control the release into the atmosphere of air contaminants originating within the territorial limits of the county or multi-county air quality control region in order to control air pollution, which rules, except as provided in subsection C shall contain standards at least equal to or more restrictive than those adopted by the director. In fixing such standards, the board or region shall give consideration but shall not be limited to:

1. The latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on health and welfare which may be expected from the presence of an air pollution agent, or combination of agents in the ambient air, in varying quantities.

2. Atmosphere conditions and the types of air pollution agent or agents which, when present in the atmosphere, may interact with

another agent or agents to produce an adverse effect on public health and welfare.

3. Securing, to the greatest degree practicable, the enjoyment of the natural attractions of the state and the comfort and convenience of the inhabitants.

B. No rule may be enacted or amended except after the board of supervisors first holds a public hearing after twenty days' notice of such hearing. The proposed rule, or any proposed amendment of a rule, shall be made available to the public at the time of notice of such hearing.

C. A county may adopt or amend a rule, emission standard, or standard of performance that is as stringent or more stringent than a rule, emission standard or standard of performance for similar sources adopted by the director ~~only if the county complies with the applicable provisions of section 49-112.~~

D. All rules enacted pursuant to this section shall be made available to the public at a reasonable charge upon request.

#### 49-480. Permits; fees

A. The board of supervisors may adopt a program for the review, issuance, revision, administration and enforcement of permits and for public review of proposed permits for sources subject to section 49-426, subsection A that are not under the jurisdiction of the state pursuant to section 49-402 and that are not otherwise exempt pursuant to section 49-426, subsection B. This program shall include provisions for administration, inspection and enforcement of general permits issued pursuant to section 49-426, subsection H.

B. Procedures for the review, issuance, revision and administration of permits issued pursuant to this section and required to be obtained pursuant to title V of the clean air act including sources that emit hazardous air pollutants shall be identical to procedures for the review, issuance, revision and administration of permits issued by the department under this chapter. Such procedures shall comply with the requirements of sections 165, 173, 408 and titles III and V of the clean air act and implementing regulations for sources subject to titles III and V of the clean air act. Procedures for the review, issuance, revision and administration of permits issued pursuant to this section and not required to be obtained pursuant to title V of the clean air act shall be consistent with and equivalent to procedures for the review, issuance, revision and administration of permits issued by the department under this chapter.

C. Upon adoption of a permit program by the board of supervisors pursuant to this section, no person may commence construction, operate or make a modification to any source subject to the permit program without complying with the requirements of that program.

D. Permits issued pursuant to a program adopted under this section are subject to payment of a reasonable fee to be determined as follows:

1. For any source required to obtain a permit under title V of the clean air act, the board of supervisors shall establish by rule a system of fees consistent with and equivalent to that

prescribed under section 502 of the clean air act. Such system shall prescribe procedures for increasing the fee each year by the percentage, if any by which the consumer price index for the most recent calendar year ending before the beginning of such year exceeds the consumer price index for the calendar year 1989.

2. For any facility subject to the permitting requirements of this chapter but not required to obtain a permit under title V of the clean air act, the board of supervisors shall determine a permit fee based on all reasonable direct and indirect costs required to administer the permit, but not exceeding twenty-five thousand dollars.

The board of supervisors shall establish an annual inspection fee, not to exceed the average cost of services.

E. Funds received for permits issued pursuant to this section shall be deposited in a special public health fund and shall be used by the control officer to defray the costs of implementing this article.

F. Permits issued pursuant to this section shall contain all of the following:

1. Conditions reflecting all applicable requirements of this article and rules adopted pursuant to this article.

2. Enforceable emission limitations and standards.

3. A schedule for compliance, if applicable.

4. The requirement to submit at least every six months the results of any required monitoring.

5. Any other conditions that are necessary to assure compliance with this article and the clean air act, including the applicable implementation plan.

G. The control officer may refuse to issue any permit to any source subject to the requirements of title V of the clean air act if the administrator objects to its issuance in a timely manner as prescribed under title V of the act.

H. In the case of a permit with a term of three or more years issued pursuant to the requirements of title V of the clean air act to a major source, the control officer shall require revisions to the permit to incorporate applicable standards and regulations adopted by the administrator pursuant to the clean air act after the issuance of the permit. The control officer shall require any revisions as expeditiously as practicable but not later than eighteen months after the promulgation of such standards and regulations. No permit revision shall be required if the effective date of the standards and regulations is after the expiration of the permit. Any permit revision required pursuant to this subsection shall be treated as a permit renewal.

I. Except as provided in section 49-808, subsection E, section 49-426, subsection B and subsection A of this section, any person burning used oil, used oil fuel, hazardous waste or hazardous waste fuel shall first obtain a permit from the control officer. Any permit issued by the control officer under this subsection shall contain, at a minimum, conditions governing:

1. Limitations on the types, amounts and feed rates of used oil, used oil fuel, hazardous waste or hazardous waste fuel which may be burned.

2. The frequency and types of fuel testing to be conducted by

the person.

3. The frequency and type of emissions testing or monitoring to be conducted by the person.

4. Requirements for record keeping and reporting.

5. Numeric emission limitations expressed in pounds per hour and tons per year for air contaminants to be emitted from the facility burning used oil, used oil fuel, hazardous waste or hazardous waste fuel.

49-480.01. Permits; changes within a source; revisions

A. The board of supervisors shall establish by rule provisions to allow changes within a permitted source without requiring a permit revision if all of the following conditions are met:

1. The changes do not constitute modifications under title I of the clean air act.

2. The changes do not result in an emission that is greater than the emissions allowed under the permit.

3. The source provides the control officer with a written notice of the proposed changes at least seven days in advance of the beginning of those changes.

4. The source satisfies other conditions that may be established in the rules adopted pursuant to this section. Rules adopted pursuant to this section may prescribe a different time limit for notifications associated with emergency conditions.

B. Any permit issued pursuant to section 49-480 may be revised, revoked and reissued, or terminated for cause. The filing of a request for a permit revision, revocation and reissuance, or a termination, or a notification filed pursuant to subsection A does not stay any effective permit condition. The control officer may require in writing that the applicant provide within a reasonable time any information that the control officer identifies as necessary for the control officer to determine if cause exists for revising, revoking and reissuing, or terminating, the permit, or to determine compliance with permit conditions.

49-480.02. Appeals of permit actions

A. Within thirty days after the control officer gives notice of approval, denial or revocation of a permit, the applicant or any person who submitted comments pursuant to section 49-480, may request an appeal as provided under section 49-482. The decision after that hearing constitutes the final permit action from which judicial review may be taken pursuant to title 12, chapter 7, article 6.

B. Any person who has an interest that is or may be adversely affected may commence a civil action in superior court against the control officer alleging that the control officer has failed to act in a timely manner consistent with the requirements of section 49-480. No action may be commenced before sixty days after the plaintiff has given notice to the control officer of the plaintiff's intent to file. The court has jurisdiction to require the control officer to act without additional delay.

49-480.03. Federal hazardous air pollutant program; definitions

A. By November 1, 1993, the board of supervisors shall adopt by rule a program for administration and enforcement of the federal hazardous air pollutant program established by section 112 of the clean air act. The program shall be consistent with and meet the requirements of section 112 of the clean air act and shall contain the following provisions:

1. No person may obtain a permit or permit revision to modify a major source of federally listed hazardous air pollutants or to construct a new major source of federally listed hazardous air pollutants, unless the control officer determines that the person will install the maximum achievable control technology for the modification or new major source. For purposes of this paragraph, a major source of federally listed hazardous air pollutants means a major source as defined in section 112(a)(1) of the clean air act and implementing regulations adopted by the administrator. A new or modified major source of federally listed hazardous air pollutants means a major source that commences construction or a modification after rules adopted by the board of supervisors pursuant to this subsection become effective. A physical change to a source or change in the method of operation of a source is not a modification subject to this paragraph or paragraph 2 of this subsection if the change complies with section 112(g)(1) of the clean air act.

2. Until the administrator adopts emissions standards establishing the maximum achievable control technology for a source category or subcategory that includes a source subject to paragraph 1 of this subsection, the control officer shall determine the maximum achievable control technology for the modification or the new major source on a case-by-case basis. If on the basis of this case-by-case determination of the maximum achievable control technology the control officer determines that it is not feasible to prescribe or enforce an emission standard, a maximum achievable control technology standard imposed pursuant to this paragraph may consist of a design, equipment, work practice or operational standard, or a combination thereof.

3. If an existing source submits an application pursuant to section 49-480 which demonstrates that the source has achieved a reduction of ninety per cent or more of federally listed hazardous air pollutants or ninety-five per cent in the case of federally listed hazardous air pollutants that are particulates, the control officer shall issue a permit or permit revision allowing the source to meet an alternative emission limitation reflecting such reduction in lieu of an emission limitation promulgated by the administrator under section 112(d) of the clean air act. The application shall comply with section 112(i)(5) of the clean air act and implementing regulations adopted by the administrator. The alternative emission limitation shall apply for a period of six years from the compliance date otherwise applicable to the source under section 112(d) of the clean air act.

4. If the administrator fails to adopt a standard for a source category or subcategory within eighteen months after the deadline established for that category or subcategory pursuant to section 112(e)(1) and (3) of the clean air act, the owner or operator of an existing major source in the category or subcategory



shall be required to submit a permit application for such source pursuant to section 49-480, and the control officer, acting in accordance with the procedures adopted pursuant to section 49-480, shall be required to issue a permit establishing maximum achievable control technology for the affected source on a case-by-case basis or, in the alternative, an alternative emission limitation pursuant to paragraph 3 of this subsection. If the control officer determines that it is not feasible to prescribe or enforce an emission standard, a maximum achievable control technology standard imposed pursuant to this paragraph may consist of a design, equipment, work practice or operational standard, or a combination thereof.

5. When the administrator adopts and makes effective standards pursuant to section 112(d) or 112(f) of the clean air act the board of supervisors shall adopt those standards in the same manner as prescribed by the administrator.

6. When a reliable method of measuring emissions of a hazardous air pollutant subject to this section is not available, the control officer shall not require compliance with a numeric emission limit for that pollutant but shall instead require compliance with a design, equipment, work practice or operational standard, or a combination of those standards. The provision adopted pursuant to this paragraph shall not apply to sources or modifications that commence construction after the permit program established pursuant to section 49-426 becomes effective under section 502(h) of the clean air act.

B. Where the clean air act has established provisions, including specific schedules, for the regulation of source categories pursuant to section 112(e)(5) and 112(n) of the clean air act, those provisions and schedules shall apply to the regulation of those source categories under subsection A of this section.

C. For any category or subcategory of facilities licensed by the nuclear regulatory commission, the control officer shall not adopt or enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the administrator pursuant to section 112 of the clean air act.

D. When the administrator makes one of the following findings pursuant to section 112(n)(1)(A) of the clean air act the finding is effective for purposes of the county's administration and enforcement of the federal hazardous air pollutant program in the same manner as prescribed by the administrator:

1. A finding that regulation is not appropriate or necessary.
2. A finding that alternative control strategies should be applied.

49-480.04. County program for control of hazardous air pollutants

A. By November 1, 1993, the board of supervisors shall by rule establish a county program for the control of hazardous air pollutants meeting the requirements of this section. The program established pursuant to this section shall apply to the following sources:

1. Sources that emit or have the potential to emit with controls, ten tons per year or more of any hazardous air pollutant or twenty-five tons per year or more of any combination of hazardous air pollutants.

2. Sources that are within a category designated pursuant to section 49-426.05 and that emit or have the potential to emit, with controls, one ton per year or more of any hazardous air pollutant or two and one-half tons per year of any combination of hazardous air pollutants.

B. After the effective date of the rules adopted pursuant to subsection A of this section, a person shall not commence the construction or modification of a source that is subject to this section without first obtaining a permit or permit revision meeting the requirements of section 49-480 and subsection C or D of this section. A physical change to a source or change in the method of operation of a source is not a modification subject to this section if the change satisfies any of the following conditions:

1. The change complies with section 112(g)(1) of the clean air act.

2. The change, together with any other changes implemented or planned by the source, qualifies the source for an alternative emission limitation pursuant to section 112(i)(5) of the clean air act.

3. The change is required under a standard imposed pursuant to section 112(d) or 112(f) of the clean air act and the change is implemented after the administrator promulgates the standard.

C. A permit issued to a new or modified source that is subject to the county hazardous air pollutant program under subsection A, paragraph 1 of this section shall impose the maximum achievable control technology for the new source or modification, unless the applicant demonstrates pursuant to subsection D of this section that the imposition of maximum achievable control technology is not necessary to avoid adverse effects to human health or adverse environmental effects. A permit or permit revision issued to a new or modified source that is subject to the county hazardous air pollutant program under subsection A, paragraph 2 of this section shall impose hazardous air pollutant reasonably available control technology for the new source or modification, unless the applicant demonstrates pursuant to subsection D of this section that the imposition of hazardous air pollutant reasonably available control technology is not necessary to avoid adverse effects to human health or adverse environmental effects. When a reliable method of measuring emissions of a hazardous air pollutant subject to this section is not available, the control officer shall not require compliance with a numeric emission limit for the pollutant but shall instead require compliance with a design, equipment, work practice or operational standard, or a combination thereof. Standards imposed pursuant to this subsection shall apply only to hazardous air pollutants emitted in amounts exceeding the de minimis amounts established by the administrator or by the director pursuant to section 49-426.06, subsection B. The control officer shall not impose a standard under this subsection that would require the application of measures that are incompatible with measures required under a

standard imposed pursuant to section 49-480.03, subsection A.

D. If the owner or operator of a new source or modification subject to this section establishes that the imposition of maximum achievable control technology or hazardous air pollutant reasonably available control technology is not necessary to avoid adverse effects to human health or adverse environmental effects by conducting a scientifically sound risk management analysis and submitting the results to the control officer with the permit application for the new source or modification, the control officer shall exempt the source from the imposition of such technology. The risk management analysis may take into account the following factors:

1. The estimated actual exposure of persons living in the vicinity of the source.
2. Available epidemiological or other health studies.
3. Risks presented by background concentrations of hazardous air pollutants.
4. Uncertainties in risk assessment methodology or other health assessment techniques.
5. Negative health or environmental consequences that would result from efforts to reduce the risk.
6. The technological and commercial availability of control methods beyond those otherwise required for the source and the cost of such methods.

E. If maximum achievable control technology or hazardous air pollutant reasonably available control technology standard has been established in a general permit for a defined class of sources pursuant to subsection C of this section and sections 49-480 and 49-426, subsection H, the owner or operator of a source within that class may obtain a variance from the standard by complying with subsection D of this section at the time the source applies to be permitted under the general permit. If the owner or operator makes the demonstration required by subsection D of this section and otherwise qualifies for the general permit, the control officer shall, in accordance with the procedures established pursuant to sections 49-480 and 49-426, approve the application and issue a permit granting a variance from the specific provisions of the general permit relating to the standard. Except as otherwise modified by the variance, the general permit shall govern the source.

F. If the clean air act has established provisions, including specific schedules, for the regulation of source categories pursuant to section 112(e)(5) and 112(n) of the clean air act, those provisions and schedules shall apply to the regulation of those source categories under subsection B of this section.

G. For any category or subcategory of facilities licensed by the nuclear regulatory commission, the control officer shall not adopt or enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the administrator pursuant to section 112 of the clean air act.

H. Except as otherwise provided in subsection I of this section, the program established pursuant to this section shall apply only to source categories designated by the director pursuant

to section 49-426.05, subsection A and to hazardous air pollutants designated by the director pursuant to section 49-426.03, subsection A and section 49-426.04.

I. When a new source that is within a category that has not been designated pursuant to section 49-426.05, subsection A submits an application for a permit pursuant to section 49-480, the control officer may suspend action on the application pending the designation of the category by the director pursuant to section 49-426.05, subsection A, if all of the following conditions are satisfied:

1. The director makes the finding required by section 49-426.05, subsection A for the category to which the source belongs.

2. The control officer provides notice of the director's finding and the control officer's intent to suspend action on the application to the applicant on or before the date that a completeness determination is due under section 49-480 and section 49-426.

3. The applicant does not elect to comply with subsection C or D of this section.

#### 49-481. Grant or denial of applications

A. The control officer shall deny a permit or revision if the applicant does not show that every such source is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of this article and the rules adopted by the board of supervisors.

B. Prior to acting on an application for a permit, the control officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the source described in the application. In the event of such a requirement, the control officer shall notify the applicant in writing of the type and characteristics of such facilities.

C. In acting upon an application for a permit renewal, if the control officer finds that such source has been constructed not in accordance with any prior permit or revision issued pursuant to section 49-480.01, he shall require the person to obtain a permit revision or deny the application for such permit. The control officer shall not accept any further application for a permit for such source so constructed until he finds that such source has been reconstructed in accordance with the prior permit or a revision, or a revision to the permit has been obtained.

D. After a decision on a permit or revision, the control officer shall notify the applicant and any person who filed a comment on the permit pursuant to section 49-480 or the revision pursuant to section 49-480.01 in writing of the decision, and if the permit is denied, the reasons for such denial. Service of this notification may be made in person or by first class mail. The control officer shall not accept a further application unless the

applicant has corrected the reasons for the objections specified by the control officer as reasons for such denial.

49-482. Appeals to hearing board

A. Within thirty days after notice is given by the control officer of approval or denial of a permit, permit revision or conditional order, the applicant and any person who filed a comment on the permit or permit revision pursuant to section 49-480, subsection B and section 49-426, subsection D, or on the conditional order pursuant to section 49-492, subsection C, may petition the hearing board, in writing, for a public hearing, which shall be held within thirty days after receipt of the petition. The hearing board, after notice and a public hearing, may sustain, modify or reverse the action of the control officer.

B. Any person having an interest that is or may be adversely affected may commence a civil action in superior court against the control officer alleging that the control officer has failed to act in a timely manner as provided in section 49-480, subsection B and section 49-426, subsection C. No action may be commenced before sixty days after the plaintiff has given notice to the control officer. The court has jurisdiction to require the control officer to act without additional delay.

49-483. Permit transfers; notice; appeal

A. A permit shall not be transferable, whether by operation of law or otherwise, either from one location to another, or from one piece of equipment to another.

B. The provisions of subsection A shall not apply to mobile or portable machinery or equipment which is transferred from one location to another after notification to the control officer of the transfer.

C. A permit may be transferred, whether by operation of law or otherwise, from one person to another, provided that prior to the transfer, the person holding the permit notifies the control officer in writing of the name, address, telephone number and statutory agent of the person to whom the permit will be transferred, the effective date of the proposed transfer and other information the board of supervisors may determine to be necessary by rule. The control officer shall prescribe procedures for such notification.

D. If the control officer determines that the transferee is not capable of operating the source in compliance with the requirements of this article, rules adopted under this article and the conditions established in the permit, the transfer shall be denied. In order for the denial to be effective, notice of the control officer's denial, including the reasons for the denial, shall be issued within ten working days of the control officer's receipt of the notice of the proposed transfer.

E. Denial of a permit transfer is appealable by the transferor and the transferee to the air pollution hearing board in the same manner as prescribed for denial of a permit in section 49-482.

49-484. Expiration of permit

An installation permit shall expire two years from the date of its issuance.

49-485. Posting of permit

A person who has been granted an operating permit, shall firmly affix such permit, an approved facsimile of such permit, or other approved identification bearing the permit number upon such machine, equipment, incinerator, device or other article for which the operating permit is issued in such a manner as to be clearly visible and accessible. In the event that such machine, equipment, incinerator, device or other article is so constructed or operated that such permit cannot be so placed, the permit shall be mounted so as to be clearly visible in an accessible place within a reasonable distance of such machine, equipment, incinerator, device or other article, or maintained readily available at all times on the operating premises.

49-486. Notice by building permit agencies

All agencies that issue building permits shall examine the plans and specifications submitted by an applicant for a building permit to determine if an installation permit will possibly be required under the provisions of section 49-480. If it appears possible that such installation permit will be required, the agency shall give written notice to such applicant to contact the control officer or the department of environmental quality and shall furnish a copy of such notice to the control officer and the department.

49-487. Classification and reporting; confidentiality of records

A. The board of supervisors by rules which are equal to or more restrictive than those adopted by the director of environmental quality shall classify air contaminant sources according to levels and types of emissions and other characteristics which relate to air pollution, and shall require reporting for any such class or classes. Reports may be required as to physical outlets, processes and fuels used, the nature and duration of emissions and such other information as is relevant to air pollution and deemed necessary by the board.

B. The owner, lessee, or operator of a potential air contaminant source shall provide, install, maintain, and operate such air contaminant monitoring devices as are reasonable and required to determine compliance in a manner acceptable to the control officer, and shall supply monitoring information as directed in writing by the control officer. Such devices shall be available for inspection by the control officer during all reasonable times.

C. Any records, reports or information obtained from any person under this chapter, including records, reports or information obtained or prepared by the control officer or a county employee, shall be available to the public, except that the information or any part of the information shall be considered confidential on either of the following:

1. A showing, satisfactory to the control officer, by any person that the information or a part of the information if made

public would divulge the trade secrets of the person.

2. A determination by the county attorney that disclosure of the information or a particular part of the information would be detrimental to an ongoing criminal investigation or to an ongoing or contemplated civil enforcement action under this chapter in superior court.

D. Notwithstanding subsection C of this section, the following information shall be available to the public:

1. The name and address of any permit applicant or permittee.
2. The chemical constituents, concentrations and amounts of any emission of any air contaminant.
3. The existence or level of a concentration of an air pollutant in the environment.

#### 49-488. Special inspection warrant

A. The control officer and his deputies charged under this chapter or the rules and regulations adopted pursuant to this chapter with powers or duties involving inspection of real or personal property including buildings, building premises and building contents for the purpose of air pollution control shall be authorized to present themselves before a magistrate and apply for, obtain and execute special inspection warrants. Such inspections shall be limited to property other than the interior of structures used as private residences.

B. Upon showing by the affidavit of the control officer or his deputies that consent to entry for inspection purposes has been refused or circumstances justify the failure to seek such consent, special inspection warrants may be issued by a magistrate for inspection of public or private, real or personal properties. Such warrants shall not be necessary in the case of an emergency where there is an imminent and substantial endangerment to the health of persons.

C. The warrant shall be in substantially the following form: "County of +++++, state of Arizona to any control officer or deputy control officer in the county of +++++ proof by affidavit having been this day made before me by (person or persons whose affidavit has been taken) that in and upon certain premises in the (city, town or county) of +++++ and more particularly described as follows: (describe the premises with reasonable particularity) there now exists a reasonable governmental interest to determine if said premises comply with (section +++++ of the Arizona Revised Statutes) and/or (section +++++ of regulation or ordinance), you are therefore commanded in the day time (or during reasonable business hours), to make an inspection of said premises as soon as practicable. Date, signature and title of office." The endorsement on the warrant shall be in substantially the following form: "Received by me +++++ 19++, at +++++ o'clock ++++ (name of control officer or deputy control officer)." The return of officer shall be in substantially the following form: "I hereby certify that by virtue of the within warrant I searched the named premises and found the following things (describe findings). Dated this +++++ day of +++++ 19++++ (name of control officer or deputy control officer)."

D. The warrant may be served by the control officer or his deputies mentioned in its directions, but by no other person except in aid of the control officer or his deputies, on his requiring it, the control officer or his deputies being present and acting in its execution.

E. A warrant shall be executed and returned to the magistrate who issued it within ten days after its date. After the expiration of that time, the warrant shall unless executed be void.

F. Any person who knowingly refuses to permit an inspection lawfully authorized by warrant issued pursuant to this article is guilty of a petty offense.

#### 49-490. Hearings on orders of abatement

A. An order of abatement issued by the control officer shall become effective immediately upon the expiration of the time during which a request for a hearing may be made pursuant to section 49-511 unless the person or persons named in such order shall have made a timely request for a hearing before the hearing board. If a hearing is requested, the hearing board shall hold the hearing within thirty days from receipt of the request unless such time is extended by the hearing board. Written notice of the time and place of the hearing shall be sent by the hearing board to the person or persons requesting the hearing and to the control officer at least fifteen days before the hearing.

B. If the board, after the hearing, determines that the act or acts set forth in the order constitute a violation of any provision of this article or of the rules adopted pursuant to this article or any requirement of a permit or conditional order issued pursuant to this article and that no conditional order is justified, the board shall affirm or modify the order for abatement. The order may be conditional and require a person to refrain from the particular act or acts unless certain conditions are met.

#### 49-491. Conditional orders; standards; rules

A. The director may grant to any person a conditional order for each air pollution source which allows such person to vary from any provision of this article, any rule adopted pursuant to this article, or any requirement of a permit issued pursuant to this article if the control officer makes each of the following findings:

1. Issuance of the conditional order will not endanger public health or the environment, or impede attainment of the national ambient air quality standards.

2. Either of the following is true:

- (a) There has been a breakdown of equipment or upset of operations beyond the control of the petitioner; the source was in compliance before the breakdown or upset; and the breakdown or upset may be corrected within a reasonable time.

- (b) There is no reasonable relationship between the economic and social cost of, and benefits to be obtained from, achieving compliance.

B. The board of supervisors shall adopt rules necessary for the issuance of conditional orders. Such rules shall specify the



minimum requirements for petitions, and procedures for processing petitions and for public participation. For a conditional order that would vary from a requirement of the state implementation plan, the rules adopted by the board of supervisors shall provide for a public hearing to receive comments on the petition. For a conditional order that would vary from a requirement of a permit issued pursuant to this article, the rules adopted by the board of supervisors shall conform to the procedures established for permit revisions pursuant to section 49-480.01.

49-492. Petition for conditional order; publication; public hearing

A. A person who seeks a conditional order shall file a petition with the control officer.

B. If the issuance of the conditional order requires a public hearing, the control officer shall set a hearing date within thirty days after the filing of the petition. The hearing date shall be within sixty days after the filing of the petition.

C. Notice of the filing of a petition for a conditional order and of the hearing date on said petition shall be published in the manner provided in section 49-498. The notice shall state that any person may submit comments on the petition. A written comment shall state the name of the person and the person's agent or attorney and shall clearly set forth reasons why the petition should or should not be granted. Grounds for comment shall be limited to whether the petition meets the criteria for issuance of a conditional order prescribed in section 49-491.

49-493. Decisions on petitions for conditional order; terms and conditions

A. Within thirty days after the conclusion of the hearing held pursuant to section 49-492, subsection B, or, if no hearing is held, within sixty days after the filing of the petition, the control officer shall deny the petition or grant the petition on such terms and conditions as the director deems appropriate.

B. The terms and conditions which are imposed as a condition to the granting or the continued existence of a conditional order shall include but not be limited to:

1. A detailed plan for completion of corrective steps needed to conform to the provisions of this article, the rules adopted pursuant to this article, and the requirements of the permit issued pursuant to this article.

2. A requirement that necessary construction shall begin as expeditiously as practicable.

3. Such written reports as may be required.

4. The right to make periodic inspection of the facilities for which the conditional order is granted.

C. A reasonable fee as may be prescribed by the control officer shall be deposited in the special public health fund.

49-494. Term of conditional order; effective date

A. A conditional order issued by the control officer shall be valid for such period as the control officer prescribes but in no

event for more than one year in the case of a source that is required to obtain a permit pursuant to this article and title V of the clean air act, and three years in the case of any other source that is required to obtain a permit pursuant to this article.

B. Except as otherwise provided in paragraphs 1 and 2 of this subsection, a conditional order issued by the control officer shall be effective when issued.

1. If the conditional order varies from the requirements of the state implementation plan, the conditional order shall be submitted to the administrator as a revision to the state implementation plan pursuant to section 110(L) of the clean air act, and shall become effective upon approval by the administrator.

2. If the conditional order varies from the requirements of a permit issued for a facility that is required to obtain a permit pursuant to title V of the clean air act, the conditional order shall be submitted to the administrator if required by section 505 of the clean air act, and in such case shall be effective at the end of the review period specified in such section, unless objected to within such period by the administrator.

#### 49-495. Suspension and revocation of conditional order

If the terms and conditions of the conditional order are being violated, the control officer may seek to revoke or suspend the conditional order granted. In such event, the control officer shall serve notice of such violation on the holder of the conditional order in the manner provided in section 49-498. The notice shall specify the nature of such violation and the date on which a hearing will be held by the hearing board to determine if such a violation has occurred and whether the conditional order should be suspended or revoked. The date of said hearing shall be within thirty days from the date said notice is served upon the holder of the conditional order.

#### 49-496. Decisions of hearing board; subpoenas; effective date

A. All decisions of the hearing board, including the majority of opinion and all concurring and dissenting opinions, shall be in writing and shall be of public record.

B. A majority of the total membership of the hearing board shall concur in a decision for it to have effect.

C. The chairman or, in his absence, the vice chairman may issue subpoenas to compel attendance of any person at a hearing and require the production of books, records and other documents material to a hearing. Obedience to subpoenas may be enforced pursuant to section 12-2212.

D. Subject to the approval of the board of supervisors, the hearing board may adopt a manual of procedures governing its operation.

E. Decisions of the hearing board shall become effective not less than thirty days after they are issued unless:

1. A rehearing is granted which shall have the effect of staying the decision.

2. It is determined that an emergency exists which justifies an earlier effective date.

F. The hearing board may revoke or modify an order of abatement or a permit or permit revision only after first holding a hearing within thirty days from the giving of notice of such hearing as provided in section 49-498.

49-497. Judicial review; grounds; procedures

A. Judicial review of hearing board decisions shall be pursuant to the provisions of title 12, chapter 7, article 6, except as provided in this section.

B. Within thirty days after service of notice of a final decision or order of the board, or an order denying a rehearing timely applied for, any person who was a party of record in the proceedings before the board, including the control officer or department authorized or designated to enforce air pollution regulations, may appeal therefrom to the superior court in the county in which the hearing was conducted and the scope of such review shall be determined pursuant to section 12-910. C. A notice of appeal, designating the grounds therefore, and a demand in writing for a certified transcript of the testimony and exhibits shall be filed with the court and served on the board. After receipt of the demand, accompanied by payment of a fee of the current prevailing rate for transcript, and one dollar for certification thereof, the board shall make and certify the transcript and file it with the clerk of the court to which the appeal has been taken within thirty days, unless extended by agreement of the parties or order of the court.

D. When an appeal is taken from an order or decision of the board, such order or decision shall remain in effect pending final determination of the matter, unless stayed by the court, on a hearing after notice to the board and upon a finding by the court that there is probable cause for appeal and that great or irreparable damage may result to the petitioner warranting such stay.

E. An appeal may be taken to the court of appeals from the order of the superior court as in other civil cases. Proceedings under this section shall be given precedence and brought to trial ahead of other litigation concerning private interests and other matters that do not affect public health and welfare.

49-498. Notice of hearing; publication; service

A. Any notice of hearing required by this article shall be given by publication of a notice of hearing for at least two times in a newspaper of general circulation published in the county concerned or if there is no such newspaper published in the county, in a newspaper of general circulation published in an adjoining county, and by posting copies of the petition and notice in at least three conspicuous places in the county.

B. If the hearing involves any violation of rules or regulations adopted pursuant to this article or a conditional order therefrom then, in addition to the requirements of subsection A, the person allegedly committing or having committed the violation or requesting the conditional order, shall be served personally or by registered or certified mail at least fifteen days prior to the hearing with a written notice of hearing.

49-501. Unlawful open burning; exceptions; violation; classification

A. Notwithstanding the provisions of any other section of this article, it is unlawful for any person to ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire except as provided in this section.

B. "Open outdoor fire", as used in this section, means any combustion of combustible material of any type outdoors, in the open where the products of combustion are not directed through a flue. "Flue", as used in this section, means any duct or passage for air, gases or the like, such as a stack or chimney.

C. The following fires are excepted from the provisions of this section:

1. Fires used only for cooking of food or for providing warmth for human beings or for recreational purposes or the branding of animals or the use of orchard heaters for the purpose of frost protection in farming or nursery operations.

2. Any fire set or permitted by any public officer in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, or instruction in the methods of fighting fires.

3. Fires set by or permitted by the director of the department of agriculture or county agricultural agents of the county for the purpose of disease and pest prevention.

4. Fires set by or permitted by the federal government or any of its departments, agencies or agents, the state or any of its agencies, departments or political subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation.

5. Fires permitted by any rule or regulation issued pursuant to this article, by any conditional permit issued by a hearing board established under this article or by any rule or conditional permit issued pursuant to article 2 of this chapter when the department of environmental quality pursuant to section 49-402 has assumed jurisdiction of the county in which the fire is located.

6. Fires set for the disposal of dangerous materials where there is no safe alternate method of disposal.

D. Permission for the setting of any fire given by a public officer in the performance of official duty under subsection C, paragraph 2, 3 or 4 shall be given in writing and a copy of such written permission shall be transmitted immediately to the director of environmental quality and the control officer of the county, district or region in which such fire is allowed. The setting of any such fire shall be conducted in a manner and at such time as approved by the control officer or the director of environmental quality, unless doing so would defeat the purpose of the exemption.

E. The director may issue a general permit to allow persons engaged in farming or ranching on forty acres or more in an unincorporated area to burn household waste, as defined in section 49-701, that is generated on-site, if no household waste collection and disposal service is available. The general permit shall include the following:

1. Conditions governing the method, manner and times for

burning.

2. Limitation on materials which may be burned, including a prohibition on burning of materials which generate noxious fumes.

3. A requirement that any person seeking coverage under the general permit shall register with the director on a form prescribed by the director. The director shall upon receipt of a registration form, notify the county in which the farm or ranch is located of such registration.

4. A statement that the director, a local air pollution control officer, or other public officer may order the extinguishment of burning or may prohibit burning during periods of inadequate smoke dispersion, excessive visibility impairment or at other times when public health or safety could be adversely affected.

F. Nothing in this section is intended to permit any practice which is a violation of any statute, ordinance, rule or regulation.

G. A person who violates any provision of this section may be served a notice of violation and be subject to the enforcement provisions of this article to the same extent as a person violating any rule or regulation adopted pursuant to this article.

H. Any violation of this section shall be a petty offense.

#### 49-502. Violation; classification

A. Any person who violates any provision of this article, any rule adopted pursuant to this article or any effective order of abatement, permit or permit condition issued pursuant to this article is guilty of a class 1 misdemeanor for each day the violation continues unless another classification is specifically prescribed in this article. Each day of violation shall constitute a separate offense. Peace officers and the control officer and his deputies shall have the authority to issue a notice to appear under the same conditions and procedures set forth in section 13-3903 for a violation of any provision of this article, any rule adopted pursuant to this article or any effective order of abatement, permit or permit condition issued pursuant to this article.

B. Any person who violates any provision of this article, any rule adopted pursuant to this article or any effective order of abatement, permit or permit condition issued pursuant to this article is subject to a civil penalty of not more than ten thousand dollars per day per violation. The county attorney, at the request of the control officer, may commence an action in superior court to recover civil penalties provided by this section. Penalties recovered pursuant to this section shall be deposited in the special public health fund prescribed in section 49-480.

C. In determining the amount of a fine or civil penalty under this section, the court shall consider:

1. The seriousness of the violation.
2. As an aggravating factor only, the economic benefit, if any, resulting from the violation.
3. Any history of such violation.
4. Any good faith efforts to comply with the applicable requirements.
5. The economic impact of the penalty on the violator.

6. Such other factors as the court deems relevant.

49-503. Defenses

Violations under section 49-502 shall be malum prohibitum. Lack of criminal intent shall not constitute a defense to such violations.

49-504. Limitations

Nothing in this article shall be construed so as to:

1. Grant any jurisdiction or authority with respect to air contamination or pollution existing solely within commercial and industrial plants, works, or shops owned by or under control of the person causing the air contamination or pollution.

2. Alter or in any other way affect the relations between employers and employees with respect to or concerning any condition of air contamination or pollution.

3. Require the readoption of any rule or regulation previously adopted prior to the effective date of this article, provided such rule or regulation is in conformity with the provisions of this article.

4. Prevent the normal farm cultural practices which cause dust.

49-506. Voluntary no-drive days

A county with a population of four hundred thousand or more persons shall implement a voluntary program to encourage all drivers within such a county to not drive their motor vehicles during certain prescribed days during the months of October through March 31 of each year.

49-507. Technical assistance to small businesses

Not later than August 15, 1993, after reasonable notice and a public hearing, the control officer shall submit to the director a plan that establishes a small business stationary source technical and compliance assistance program consistent with and equivalent to that required under section 507 of the clean air act.

49-510. Violations; production of records

When the control officer has reasonable cause to believe that any person has violated or is in violation of any provision of this article, any rule adopted pursuant to this article or any requirement of a permit issued pursuant to this article, he may request, in writing, that such person produce all existing books, records and other documents evidencing tests, inspections or studies which may reasonably relate to compliance or noncompliance with rules adopted pursuant to this article.

49-511. Violations; order of abatement

When the control officer has reasonable cause to believe that any person has violated or is in violation of any provision of this article, any rule adopted pursuant to this article or any requirement of a permit issued pursuant to this article, he may serve upon such person by certified mail or in person an order of abatement or may file a complaint in superior court alleging a

violation pursuant to section 49-513. The order shall state with particularity the act constituting the violation, shall state in its entirety the certain requirement, provision or rule violated, shall state the duration of the order and shall state that the alleged violator is entitled to a hearing, if such hearing is requested in writing within thirty days after the date of issuance of the order. The order may be conditional and require a person to refrain from particular acts unless certain conditions are met. An order issued under this section shall require the persons to whom it is issued to comply with the requirement, provision or rule as expeditiously as practicable. In the case of a source required to obtain a permit pursuant to this article and title V of the clean air act, the order shall require compliance no later than one year after the date the order was issued, and shall be nonrenewable.

49-512. Violations; injunctive relief

The county attorney, at the request of the control officer, shall file an action for a temporary restraining order, a preliminary injunction, a permanent injunction or any other relief provided by law, if the control officer has reasonable cause to believe that any of the following is occurring:

1. A person has violated or is in violation of any provision of this article, a rule adopted pursuant to this article or a permit issued pursuant to this article.

2. A person has violated or is in violation of an effective order of abatement.

3. A person is creating an imminent and substantial endangerment to the public health or the environment because of a release of a harmful air contaminant, unless that release is subject to enforcement under title 3, chapter 2, article 6.

49-513. Violations; civil penalties

A. A person who violates any provision of this article, any permit or permit condition issued pursuant to this article, any fee or filing requirement, any rule adopted pursuant to this article, an effective order of abatement issued pursuant to this article or any duty to allow or carry out inspection, entry or monitoring activities, is subject to a civil penalty of not more than ten thousand dollars per day per violation. The county attorney at the request of the control officer shall file an action in superior court to recover penalties provided for in this section.

B. For purposes of determining the number of days of violation for which a civil penalty may be assessed under this section, if the control officer has notified the source of the violation and makes a prima facie showing that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of notice, the days of violations shall be presumed to include the date of such notice and each day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature. Notice under this section is accomplished by

the issuance of a notice of violation or order of abatement or by filing a complaint in superior court that alleges any violation described in subsection A of this section.

C. In determining the amount of a civil penalty under this section, the court shall consider all of the following:

1. The seriousness of the violation.
2. As an aggravating factor only, the economic benefit, if any, resulting from the violation.
3. Any history of that violation.
4. Any good faith efforts to comply with the applicable requirements.
5. The economic impact of the penalty on the violator.
6. The duration of the violation as established by any credible evidence including evidence other than the applicable test method.
7. Payment by the violator of penalties previously assessed for the same violation.
8. Other factors as the court deems relevant.

D. All penalties collected pursuant to this section shall be deposited in the special public health fund authorized in section 49-480.

#### 49-514. Violation; classification; definition

From and after October 31, 1994:

A. A person who knowingly releases into the ambient air any extremely hazardous substance listed pursuant to 42 U.S.C. section 11002(a)(2) or any hazardous air pollutant and who knows at the time that he thereby places another person in imminent danger of death or serious bodily injury shall be guilty of a class 2 felony. For any air pollutant for which the administrator, director or control officer has established a standard by regulation or in a permit, a release of such pollutant in accordance with that standard shall not constitute a violation of this subsection. For purposes of determining whether a defendant who is an individual knew that the violation placed another in imminent danger of serious bodily injury both of the following shall apply:

1. The defendant is responsible only for actual awareness or actual belief possessed.

2. Knowledge possessed by another person but not by the defendant may not be attributed to the defendant.

Notwithstanding paragraphs 1 and 2 of this subsection, circumstantial evidence, including evidence that the defendant took affirmative steps to be shielded from relevant information, may be used to prove knowledge.

B. A person who operates a source that is required to have a permit both under this article and under title V of the clean air act and who knowingly operates such source without a permit issued by the control officer and without having filed a complete application for renewal of an existing permit in accordance with title V of the clean air act and this article is guilty of a class 5 felony.

C. A person who operates a source that is subject to an emission standard that is required to be imposed in the source's permit both under this article and under title V of the clean air



act, and who knowingly violates such emission standard is guilty of a class 5 felony. D. A person who is subject to an effective order of abatement issued under this article and who knowingly violates such order is guilty of a class 5 felony.

E. A person who is required by the control officer pursuant to this article to conduct performance tests, and who knowingly alters or modifies any such performance test in order to render the results inaccurate is guilty of a class 5 felony.

F. A person who is required by the control officer to maintain any monitoring device pursuant to this article, and who knowingly alters, modifies or destroys such monitoring device in order to render the device inaccurate is guilty of a class 5 felony.

G. A person who operates a source that is required to have a permit issued pursuant to this article and that is subject to a material permit condition other than an emission standard identified in subsection C of this section, and who knowingly violates such permit condition is guilty of a class 6 felony. For purposes of this subsection a material permit condition means a permit condition determined by the director by rule to be material pursuant to section 49-464, subsection G.

H. A person who is required to obtain a permit before commencing construction of a source both under this article and under title V of the clean air act, and who knowingly commences construction of such source without a permit issued by the control officer is guilty of a class 6 felony.

I. A person who operates a source that is not identified in subsection B of this section and that requires a permit under this article, and who knowingly operates such source without a permit issued by the control officer and without having filed a complete application for renewal of an existing permit in accordance with this article is guilty of a class 6 felony.

J. A person who is required by the control officer pursuant to this article to operate a monitoring device, and who knowingly fails to maintain, operate or repair such monitoring device in order to render the device inaccurate is guilty of a class 6 felony.

K. A person who is required to obtain a permit to commence construction of a source under this article but not under title V of the clean air act, and who acting with criminal negligence commences construction of such source without a permit issued by the director is guilty of a class 1 misdemeanor.

L. A person who acting with criminal negligence does any of the following is guilty of a class 1 misdemeanor:

1. Violates a permit condition not described in subsection C or G of this section.

2. Violates an opacity standard, unless the opacity standard is required by section 111 or title I, part C or D, of the clean air act.

3. Violates a fee or filing requirement established both under this article and under title V of the clean air act.

4. Violates any other provision of this article for which a penalty is not otherwise prescribed.

M. Under this section, a knowing violation that continues for

more than one day, but that results from a single act or series of related acts, constitutes the commission of a single offense.

N. In determining the amount of a fine under this section, the court shall consider all of the following:

1. The seriousness of the violation.
2. As an aggravating factor only, the economic benefit, if any, resulting from the violation.
3. Any history of that violation.
4. Any good faith efforts to comply with the applicable requirements.
5. The economic impact of the penalty of the violator.
6. The duration of the violation as established by any credible evidence including evidence other than the applicable test method.
7. Payment by the violator of penalties previously assessed for the same violation.
8. Other aggravating and mitigating factor as the court deems relevant.

O. It shall be an affirmative defense to any prosecution under subsection A of this section that the conduct charged was freely consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of either of the following:

1. An occupation, business or profession.
2. Medical treatment or medical or scientific experimentation conducted by professionally approved methods provided that the person endangered was made aware of the risk involved in the treatment or experimentation prior to giving consent.

P. It shall be an affirmative defense to any prosecution for violation of an emission standard or opacity standard under subsection C or G or subsection L, paragraph 1, 2 or 4 of this section that both of the following conditions were satisfied:

1. The violation was reported by verbal or facsimile notification to the control officer within twenty-four hours after the source first learned of the violation.

2. The owner or operator of the source provided written notification to the control officer containing all of the following information within seventy-two hours following the verbal or facsimile notification:

- (a) Confirmation of the violation for which verbal or facsimile notification was provided.

- (b) Identification of the practicable corrective measures that have been undertaken or will be undertaken to control and minimize emissions until compliance with the applicable standard is achieved.

In the case of continuous or recurring violations, the notification requirement shall be satisfied if the source provides the required notification after violations are first detected and includes in such notification an estimate of the time the violations will continue. Violations occurring after the estimated time period shall require additional notification pursuant to the first sentence of this paragraph.

Q. It shall be an affirmative defense to any prosecution under subsection B, H, I or K of this section for operating a

source or commencing construction without a permit that, after accurately disclosing in writing all relevant information that is necessary to assess the requirement to obtain a permit and that is requested by a permitting authority, the defendant obtained and relied upon the written advice of a permitting authority that no permit was necessary. Failure of a permitting authority to respond in writing to a request for a determination under this subsection within fourteen days after receiving the information described above shall be deemed to be advice that no permit was necessary for purposes of this subsection.

R. The defendant may establish an affirmative defense provided by this section by a preponderance of the evidence.

S. Under this section, to prove a knowing violation the state must prove actual knowledge of circumstances constituting each element of the offense which, as defined, requires proof of a culpable mental state. Actual knowledge may be proved by either direct or circumstantial evidence, including evidence that the person deliberately avoided acquiring such knowledge. A person's knowledge may not be inferred merely by his or her position within an enterprise.

T. For purposes of this section, the term "emission standard" means a numeric limitation on the volume or concentration of air pollutants in emissions from a source or a specific design, equipment or work practice standard, the purpose of which is to eliminate or reduce the volume or concentration of pollutants emitted by a source. The term emission standard does not include opacity standards. Violations of emission standards shall be determined in the manner prescribed by the applicable regulations issued by the administrator or the director or control officer.

#### 49-515. Precedence of actions

For the benefit of the people of the state, court actions and proceedings brought under this article shall be given precedence and brought to trial ahead of other litigation concerning private interests and other matters that do not affect public health and welfare.

#### 49-516. Preservation of rights

It is the purpose of this article to provide additional and cumulative remedies to prevent, abate, and control air pollution in the state. Nothing contained in this article shall be construed to abridge or alter rights of action or remedies in equity under the common law or statutory law, criminal or civil, nor shall any provisions of this article, or any act done by virtue thereof, be construed as estopping the state or any municipality, or owners of land from the exercise of their rights in equity or under the common law or statutory law to suppress nuisances or to abate pollution.

# **ATTACHMENT 2**

## **NSR AND SIP COMPLETENESS CHECKLIST**

# **NSR AND SIP COMPLETENESS CHECKLIST**

## **I. ADMINISTRATIVE MATERIALS**

### **1. SUBMITTAL LETTER FROM GOVERNOR/DESIGNEE**

*Included.*

### **2. EVIDENCE OF ADOPTION**

*See Attachment 4: certified rules, inclusive of Ordinance 1993-128 and Ordinance 1994-83 (Title 17 of the Pima County Code).*

### **3. STATE LEGAL AUTHORITY FOR ADOPTION / IMPLEMENTATION**

*See Attachment 1: Arizona Revised Statutes Title 49 Chapter 3 Articles 1, 2, and 3.*

### **4. COMPLETE COPY OF ACTUAL REGULATION**

*See Attachment 5: Those portions of Title 17 of the Pima County Code applicable to major source NSR/PSD;*

*See Attachment 6: Those portions of Title 17 of the Pima County Code applicable to minor source NSR.*

### **5. EVIDENCE THAT ADMINISTRATIVE PROCEDURES ACT REQUIREMENTS WERE MET**

*See Attachment 7.*

### **6. EVIDENCE OF PUBLIC HEARING**

*See Attachment 7.*

### **7. PUBLIC COMMENTS AND AGENCY RESPONSES**

*See Attachment 7.*

**II. TECHNICAL MATERIAL**

**8. IDENTIFICATION OF POLLUTANTS REGULATED BY RULE**

*See Attachment 3 - Table 2 & Table 3, NSR Checklist.*

**9. IDENTIFICATION OF SOURCES/ATTAINMENT STATUS**

*See Attachment 3 - Table 1, NSR Checklist. There are no sources for which NSR/PSD permits have been issued since the late 1970's. One source was permitted for ozone NSR prior to the Tucson Air Planning Area's (TAPA) redesignation to attainment for ozone (after NAAQS standard for photochemical oxidants was rescinded and the new NAAQS for ozone was promulgated).*

**10. RULE CHANGES INDICATION BY UNDERLINING AND CROSS-OUTS**

*See Attachment 5: Those portions of Title 17 of the Pima County Code applicable to major source NSR/PSD;*

*See Attachment 6: Those portions of Title 17 of the Pima County Code applicable to minor source NSR.*

**11. RULES'S EFFECT ON EMISSIONS**

*Not applicable.*

**12. DEMONSTRATION THAT NAAQS, PSD INCREMENTS, AND RFP ARE PROTECTED**

*The intent of this NSR/PSD SIP submittal is to protect the criteria pollutants, federal PSD increment levels, and provide for RFP, in concert with any applicable nonattainment area plans and existing SIPs.*

**13. EVIDENCE THAT EMISSIONS LIMITATION ARE BASED ON CONTINUOUS EMISSIONS REDUCTION TECHNOLOGY**

*Not applicable.*

**14. MODELING SUPPORT**

*Not applicable.*

**15. IDENTIFICATION OF SECTIONS OF RULE CONTAINING EMISSION LIMITS, WORK PRACTICE STANDARDS, AND/OR RECORDKEEPING/REPORTING REQUIREMENTS**

*See Attachment 3, NSR checklist.*

*Emission Limits / Work Practice Standards: 17.08.150; 17.12.200; 17.16*

*Recordkeeping/Reporting: 17.12.180; 17.12.210; 17.24 Articles 2 & 3.*

**16. COMPLIANCE/ENFORCEMENT STRATEGIES**

*See Attachment 3, NSR Checklist.*

*Permit Contents: 17.12.180*

*Compliance: 17.12.210*

**17. ECONOMIC TECHNICAL JUSTIFICATION FOR DEVIATION FROM EPA POLICIES**

*None Known.*

# **ATTACHMENT 3**

## **NSR CHECKLIST**



# NSR CHECKLIST

The following tables and questions apply to all federal nonattainment pollutants. Please respond for all pollutants applicable to your agency. For each checklist item, provide with your response the applicable NSR regulation number, section number, and rule number (including a copy of the rule).

Exemptions given to sources from any of the requirements listed below should be clearly indicated.

1. **Nonattainment area status**

Identified in *Table 1* are those pollutants for which Pima County has nonattainment areas. Both complete and redacted copies of Pima County Air Quality rules (Title 17 of The Pima County Code) are provided to you. Appropriate rules are cited in the table where applicable.

2. **NSR Applicability**

Identified in *Table 2* are the emission levels that trigger NSR review. An additional copy of *Table 2* is provided, as necessary, for each pollutant and area designation.

3. **Offsets**

A completed copy of *Table 3* is attached for each nonattainment pollutant. Answers to specific questions and applicable rule is cited as necessary.

Are interpollutant offsets allowed?

*Pima County does not allow interpollutant offsets. See T17.16.570.D*

4. **Netting**

1. What historical time period does your agency consider when performing netting calculations?

*The five year period prior to commencement of construction of a new source or modification is considered contemporaneous for the purpose of netting. See T17.04.340.-A.153.*

2. When considering historical source emissions prior to the modification, does your agency use actual or allowable emissions when calculating emissions changes?

*Actual emissions are used for the purpose of calculating emission changes. See T17.04.-340.A.153.*

3. When reviewing the proposed modification, does your agency use proposed actual or allowable emissions in the netting calculation?

*Proposed actual emissions are used for netting calculations. If these actual emissions are less than allowable emissions established under the rules, then calculated emissions are established as new emission limits. See T17.04.340.A.153.*

4. When considering source-wide emission changes in the netting process, does your agency require all emission units to be on contiguous or adjacent property? In other words, can offsite emission reductions be used to avoid NSR requirements?

*No, offsite emission reductions are not allowed for netting process. 17.04.340.A.41*

5. How are emission reductions made Federally-enforceable?

*Emission reductions are made Federally enforceable by establishing new emission limits as a part of the permit condition for each emission point where these reductions are used. In some cases this can also be done by adopting new state rules and submitting new rules to EPA for inclusion in the State Implementation Plan. Finally, all NSR/PSD permits would be Title V sources and therefore federally enforceable. See T17.16.570.L.1,2.*

## 5. Emission Reduction Credits

1. How does your agency account for and track ERCs?

*Pima County does not have a system of banking emission credits. Credits for the purposes of offsetting and netting for the purposes of Part D under the Act are reviewed on a case by case basis. Individual permits are used to track these credits. See 17.12.180, 17.12.210.*

2. How are ERCs calculated?

*Since there is no banking of emissions, ERCs are the same as offsets or reductions counted in netting. See 17.12.340.A.153, 17.16.570.*

3. How are ERCs enforced? (Against the issuer or recipient.)

*Emission reductions are established as new permit limits in individual permits. Enforcement is carried out in the same way as enforcement of permits. The Permittee is normally held responsible. See 17.12.180, 17.12.210.*

4. What averaging time is used for calculating ERCs? (lb/day or tpy?)

*Offsets are made on either a pounds per hour, pounds per day, or tons per year, whichever is appropriate for establishing net air quality benefits. See T17.16.570.I.*

5. Does your agency require continuous compliance?

*Yes. Each facility must be able to demonstrate at any time that they are complying with the established emission limits, rules and permit conditions (17.12.160.H, 17.12.210). Compliance may also be demonstrated using continuous emission monitors, visible emission inspection, mass emission tests to recordkeeping methods. See T17.16.550.B.5,6, 17.16.560.A.2., 17.12.210.*

6. Besides requiring offsets, does your agency require a source to perform air quality screening or modeling to make a demonstration of a net air quality benefit?

*Yes. See T17.16.560.A.3, 17.16.570.F.*

7. What time period does your agency consider when calculating historic emissions to determine the amount of ERCs?

*For netting, emission reductions must be contemporaneous. See T17.04.340.A.153.*

*For an existing fuel consumption source, offset credit shall be based on the allowable emissions under the regulations or permit conditions applicable to the source for the type of fuel being burned at the time the application for the permit revision pursuant to this rule is filed. See T17.16.570.G*

*An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction on the particular change commences and the date that the increase from the particular change occurs. See T17.04.340.A.153.*

8. When considering historical emissions, does your agency calculate ERCs based upon actual or allowable emissions?

*For the purposes of calculating offsets, allowable emissions included as emission limitations on federally enforceable permits or actual emissions are used. See T17.16.570.G*

9. What are potential sources of ERCs? (Mobile sources, nonroad engines, etc.)

*Since Pima County has no emissions trading system only on-site emissions decrements would be considered. These ERCs would be determined on a case by case basis since they are source specific. Additionally, sources of ERCs would depend upon whether*

*contemporaneous decreases pursuant to 17.04.340.A.153 or offsets pursuant to 17.16.570 are being considered.*

10. Does your agency allow sources to use shutdowns to obtain ERCs?

*Yes, but sources are not allowed to use shutdowns that occurred prior to filing of the permit application unless it is a replacement or if is used to bring the source into compliance with RACT. See 17.16.570.J.*

11. How does your agency demonstrate that ERCs are accounted for in the nonattainment area plan and not double-counted?

*Emission reductions that are part of a nonattainment area plan are not allowed as offsets. The determination is done on a case by case basis at the time of permit processing. See T17.16.570.A.1; 17.16.340.A.153.*

6. **LAER**

1. How does your agency define LAER?

*See T17.04.340.A.130*

2. Does your agency look outside its jurisdiction when determining LAER or does your agency only look at what has previously been adopted as LAER?

*At a minimum we would review the EPA BACT/LAER database, contact control technology vendors, and would inquire from other agencies where similar plants already exist, to establish LAER for a proposed facility.*

3. Does cost effectiveness of control technology come into consideration in your agency LAER determinations? If so, at what level of emissions?

*No, cost effectiveness is not a criteria for LAER determinations. See 17.04.340.A.130.*

7. **Other Requirements**

For the following questions, attach a copy of the appropriate portion of your NSR rule.

1. Does your agency allow emissions trading between different nonattainment areas? (For example, can offsets needed in a moderate ozone nonattainment area be obtained from an adjacent serious or marginal nonattainment area?)

*No, see T17.16.570.K.*

2. Does your agency consider nonattainment pollutant emission impacts on threatened or endangered species from the new project, impacts to water and soils, etc.?

*Yes, an application requires an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the new source or modification and general commercial, residential, industrial and other growth associated with the new source or modification. Review is coordinated through the National Park Service, U.S. Forest Service, and the U.S. Fish and Wildlife Service. See T17.16.600.I.*

3. Does your agency consider nonattainment pollutant emission impacts to Class I areas?

*Yes, see T17.16.550.C, T17.04.340.A.218.d, T17.08.100, T17.08.150.F.b.i*

4. How are uninventoried sources treated for the purposes of NSR?

*For the purposes of providing emission credits for uninventoried sources, calculations are done at the time of permit application. Emission credit can only be provided for sources that can be quantified and if emission reductions are Federally enforceable.*

*For purposes of baseline under NSR, emissions from all sources in existence or sources which have obtained a permit shall be the total emissions allowed by emission limits in effect at the time the application is filed. See 17.16.570.G.*

*In the case of PSD, such sources would become part of the baseline when established. See 17.08.150.*

5. Fugitive Emissions

- a. How are fugitive emissions defined?

*"Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening. See 17.04.340.A.101*

- b. How are fugitive emissions treated when your agency determines NSR applicability for a source?

*Fugitive emissions are included for the purposes of applicability if a NSPS or NESHAPS was adopted for the category of sources prior to August 7, 1980. See T17.16.560.E, 17.16.590.C*

- c. Specify under what conditions fugitive emissions be used as offsets or for netting.

*They can be used for offset only if the offset will result in net air quality benefits and the existing emissions did not exceed allowable limits. The reduction must be quantifiable, federally enforceable, not relied upon for demonstrating reasonable further progress, or basis for issuing a previous permit. See T17.16.560.A,E and T17.16.570*

6. How does your agency confirm or determine the statewide/countywide compliance of a source?

*In the case of a new major source as defined in R18-2-401 or a major modification subject to the demonstration requirement of T17.16.560.A.2, the applicant shall submit such demonstration in a form that lists and describes all existing major sources owned or operated by the applicant and a statement of compliance with all conditions contained in the permits or conditional orders of each of the sources.  
See T17.16.560.A.2*

7. Submit to EPA non-NSR rules which may impact your NSR program.

*All Title V rules and permit requirements are applicable to NSR. See 17.12 et. seq. and 17.04.340.A.*

8. Describe how agency policy documents or memos are communicated to the agency NSR staff.

*PDEQ maintains a Title 17 Policy Book available to each staff member. Any new policy issued is sequentially numbered and added to the policy book. When new policies are added to the book, supervisory staff are notified via memo.*

# NONATTAINMENT AREA STATUS

## TABLE 1

Nonattainment Pollutant	Applicable to Your Agency? (Yes/No)	Geographic Location(s)
<b>1. Ozone</b>		
a. Moderate	No	
b. Serious	No	
c. Severe	No	
d. Extreme	No	
<b>1. Carbon Monoxide</b>		
a. Moderate < 12.7ppm	No	
b. Moderate > 12.7ppm	No	
c. Serious	No	
d. Nonclasssifiable (Not classified)	Yes	Tucson Metropolitan Area (See 40 CFR 81.303)
e. Nonclassifiable (Inc/no data)	No	
<b>3. PM<sub>10</sub></b>		
a. Moderate	Yes	Ajo, Rillito (See 40 CFR 81.303)
b. Serious	No	
<b>4. Nitrogen Dioxide</b>	No	
<b>5. Sulfur Dioxide</b>	Yes	Ajo, (See 40 CFR 81.303)

### NSR Applicability

For ozone, what new or existing source emission level triggers NSR?

**TABLE 2**  
**OZONE**

NSR Applicability	Pollutant	Emissions (tpy or lb/day)	Rule No.
a. Major New Sources	Ozone	100 tpy	<b>R18-2-101.61</b>
b. Major Modifications (Existing major sources)	Ozone	40 tpy (VOC)	<b>T17.04.340.A.131</b> <b>T17.04.340.A.218</b> R18-2-101.60 R18-2-101.97
c. Major Modifications (Existing minor sources)	Ozone	Any emissions that increases the total pollutant emissions above qualifying levels identified in "a" above.	<b>T17.04.340.A.131</b> <b>T17.04.340.A.218</b> R18-2-101.61
d. Exemptions	Ozone	Motor Vehicles, agricultural vehicles or agricultural equipment normally used in farm operations, fuel burning equipment rated at less than 500,000- BTU/hr.	<b>A.R.S. § 49-426.B</b>



### NSR Applicability

For carbon monoxide, what new or existing source emission level triggers NSR?

**TABLE 2 - CONTINUED  
CARBON MONOXIDE**

NSR Applicability	Pollutant	Emissions (tpy or lb/day)	Rule No.
a. Major New Sources	CO	100 tpy	<b>R18-2-101.61</b>
b. Major Modifications (Existing major sources)	CO	100 tpy	<b>T17.04.340.A.131</b> <b>T17.04.340.A.218</b> R18-2-101.60 R18-2-101.97
c. Major Modifications (Existing minor sources)	CO	Any emissions that increases the total pollutant emissions above qualifying levels identified in "a" above.	<b>T17.04.340.A.131</b> <b>T17.04.340.A.218</b> R18-2-101.61
d. Exemptions	CO	Motor Vehicles, agricultural vehi- cles or agricultural equipment normally used in farm opera- tions, fuel burning equipment rated at less than 500,000 BTU/hr.	<b>A.R.S. § 49-426.B</b>

### NSR Applicability

For  $PM_{10}$ , what new or existing source emission level triggers NSR?

**TABLE 2 - CONTINUED**

$PM_{10}$

NSR Applicability	Pollutant	Emissions (tpy or lb/day)	Rule No.
a. Major New Sources	$PM_{10}$	100 tpy	R18-2-101.61
b. Major Modifications (Existing major sources)	$PM_{10}$	15 tpy	<b>T17.04.340.A.131</b> <b>T17.04.340.A.218</b> R18-2-101.60 R18-2-101.97
c. Major Modifications (Existing minor sources)	$PM_{10}$	Any emissions that increases the total pollutant emissions above qualifying levels identified in "a" above.	<b>T17.04.340.A.131</b> <b>T17.04.340.A.218</b> R18-2-101.61
d. Exemptions	$PM_{10}$	Motor Vehicles, agricultural vehicles or agricultural equipment normally used in farm operations, fuel burning equipment rated at less than 500,000 BTU/hr.	<b>A.R.S. § 49-426.B</b>

### NSR Applicability

For sulfur dioxide, what new or existing source emission level triggers NSR?

**TABLE 2 - CONTINUED**  
**SO<sub>2</sub>**

NSR Applicability	Pollutant	Emissions (tpy or lb/day)	Rule No.
a. Major New Sources	SO <sub>2</sub>	100 tpy	R18-2-101.61
b. Major Modifications (Existing major sources)	SO <sub>2</sub>	40 tpy	T17.04.340.A.131 T17.04.340.A.218 R18-2-101.60 R18-2-101.97
c. Major Modifications (Existing minor sources)	SO <sub>2</sub>	Any emissions that increases the total pollutant emissions above qualifying levels identified in "a" above.	T17.04.340.A.131 T17.04.340.A.218 R18-2-101.61
d. Exemptions	SO <sub>2</sub>	Motor Vehicles, agricultural vehi- cles or agricultural equipment normally used in farm opera- tions, fuel burning equipment rated at less than 500,000 BTU/hr.	A.R.S. § 49-426.B

## OFFSETS

Pollutant: O<sub>3</sub> ☒ CO PM<sub>10</sub> NO<sub>x</sub> SO<sub>2</sub>  
(Circle One)

**TABLE 3**

Trigger Level <sup>1</sup> tpy or lb/day	Offset Ratio	Air Quality <sup>2</sup> Modeling Required? (Yes/No)	Time Period Considered (Baseline)	Actual or Allowable Emissions?	Regulation, Section, Rule
100 tpy Unclassified	1:1	Yes, unless the emissions occur from substantially the same effective stack height in the immediate vicinity	Credit for any shut down after August 1977 for replacement purposes only. Two year period for calculating actual emissions.	Allowable emissions	T17.16.570.A T17.0440.A.218 3P

<sup>1</sup> Identify nonattainment status (moderate, serious, etc.) or geographic area if offset requirements are different.

<sup>2</sup> Clarify if different for new vs. modified sources.

-----  
Comments:

## OFFSETS

Pollutant: O<sub>3</sub> CO PM<sub>10</sub> NO<sub>x</sub> SO<sub>2</sub>  
(Circle One)

**TABLE 3 - CONTINUED**

Trigger Level <sup>1</sup> tpy or lb/day	Offset Ratio	Air Quality <sup>2</sup> Modeling Required? (Yes/No)	Time Period Considered (Baseline)	Actual or Allowable Emissions?	Regulation, Section, Rule
100 tpy Moderate	1:1	Yes, unless the emissions occur from substantially the same effective stack height in the immediate vicinity	Credit for any shut down after August 1977 for replacement purposes only. Two year period for calculating actual emissions.	Allowable emissions	T17.16.570.A T17.04.340.A-.218

<sup>1</sup> Identify nonattainment status (moderate, serious, etc.) or geographic area if offset requirements are different.

<sup>2</sup> Clarify if different for new vs. modified sources.

-----  
Comments:

## OFFSETS

Pollutant: O<sub>3</sub>   CO   PM<sub>10</sub>   NO<sub>x</sub>   SO<sub>2</sub>  
(Circle One)

**TABLE 3 - CONTINUED**

Trigger Level <sup>1</sup> tpy or lb/day	Offset Ratio	Air Quality <sup>2</sup> Modeling Required? (Yes/No)	Time Period Considered (Baseline)	Actual or Allowable Emissions?	Regulation, Section, Rule
100 tpy Moderate	1:1	Yes, unless the emissions occur from substantially the same effective stack height in the immediate vicinity	Credit for any shut down after August 1977 for replacement purposes only. Two year period for calculating actual emissions.	Allowable emissions	<b>T17.16.570.A</b> <b>T17.04.340.A-.218</b>

<sup>1</sup> Identify nonattainment status (moderate, serious, etc.) or geographic area if offset requirements are different.

<sup>2</sup> Clarify if different for new vs. modified sources.

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Comments:



OFFICE OF THE  
Pima County Attorney  
Civil Division  
32 N. STONE  
SUITE 1500

STEPHEN D. NEELY  
PIMA COUNTY ATTORNEY

Tucson, Arizona 85701-1412  
(602) 740-5750  
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August 29, 1994

David Esposito, Control Officer  
Pima County Air Quality Control District  
130 West Congress St.  
Tucson, AZ 85701

Dear Mr. Esposito,

I have reviewed Title 17 of the Pima County Code adopted September 28, 1993 and amendments to Title 17 adopted June 21, 1994 and the portions of Title 17 which are to be submitted to the Arizona Department of Environmental Quality for inclusion in the State Implementation Plan. Authority and procedures for a County Air Quality Control District to adopt rules to control air pollution are set forth in A.R.S. §49-479. Title 17 of the Pima County Code was adopted and amended pursuant to and in compliance with the appropriate requirements of A.R.S. §49-479.

Sincerely,

STEPHEN D. NEELY  
PIMA COUNTY ATTORNEY

A handwritten signature in dark ink, appearing to read "Richard W. McKee", is written over a horizontal line.

Richard W. McKee  
Deputy County Attorney





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NO. OF PAGES: 227  
SEQUENCE: 93171765  
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TUCSON AZ 85701

ORDINANCE NUMBER 1993-128

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS RELATING TO TITLE 17 OF THE PIMA COUNTY CODE, AIR QUALITY CONTROL: AMENDING CHAPTERS 17.04; 17.08; 17.12; 17.16; 17.20; 17.24; 17.28; AND 17.32, AND ADDING CHAPTER 17.44.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That chapter 17.04 of the Pima County Code is amended to read:

CHAPTER 17.04 GENERAL PROVISIONS

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Article I. Preamble.

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- 17.04.020 Purpose.
- 17.04.030 Authority.

Article II. Jurisdiction.

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- 17.04.050 State and/or county.
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Article I. Preamble.

17.04.010 Declaration of policy.

A. Whereas, the legislature of the state of Arizona has found that air pollution exists in the state and in Pima County, and that such air pollution is potentially and in some cases actually dangerous to the health of the citizenry, often causes physical discomfort, injures property and property values, discourages recreational and other uses of the state's resources, and is aesthetically unappealing; and

B. Whereas, the state legislature has adopted and implemented a statewide program to control present and future sources of air pollution to insure the health, safety, and general welfare of all the citizens of the state, protect property values, and protect plant and animal life; and

C. Whereas, the state legislature has adopted statutes which grant the counties the right to control the emissions of air contaminants as provided herein; and

D. Whereas, the board of supervisors of Pima County, Arizona has determined that air pollution is frequently emitted into the atmosphere from several types of sources in Pima County;

E. Now, therefore, in consideration of and for the benefit of the people of the county, it is declared policy that every effort shall be made to identify by source and amount the various types of contaminants in the atmosphere; and

F. It is further declared policy that all contaminants emitted from each source originating in Pima County shall be prevented or reduced, irrespective of the proportion that each source contributes to the total air pollution; and

G. That this ~~Code~~ Title shall apply to all types of air contaminant emissions in Pima County, subject to the jurisdictional authority regarding types and sizes of emissions sources defined by Arizona Revised Statutes and referenced herein. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

17.04.020 Purpose.

A. The purpose of ~~the Code~~ this Title is to prevent and to reduce air pollution originating in Pima County, so as to restore and preserve the quality

of the outdoor air in all areas of Pima County to which the general public has access.

B. This ~~Code~~ Title is specifically intended to progressively reduce the levels of air pollutants in areas which exceed one or more health-related or welfare-related standard, and to prevent the levels of air pollutants from exceeding analogous standards where the air is already clean. Therefore, the air quality control officer shall periodically evaluate progress made toward these goals and he shall within sixty days of such time as information becomes available to him that the air quality in any area of the county which already exceeds a health-related or welfare-related standard is further deteriorating, or within sixty days of learning that any maximum allowable incremental increase in air pollutants set forth herein to preserve the air quality of the county is being exceeded, review the adequacy of this ~~Code~~ Title and propose to the environmental quality advisory council and board of supervisors appropriate revisions or additions to correct any deficiencies. Furthermore, the control officer shall prepare and make available to the general public an annual report describing such progress. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1991-136 \$ 1, 1991: Ord. 1979-93 (part), 1979)

#### 17.04.030 Authority.

~~A.~~ This ~~Code~~ Title is adopted pursuant to the authority granted by Title 49, Chapter 3, Article 1, Section 49-401, et seq., Arizona Revised Statutes, abbreviated hereinafter as A.R.S. when referring to a specific statute. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1989-165 \$ 1, 1989: Ord. 1979-93 (part), 1979)

### Article II. Jurisdiction.

#### 17.04.040 General applicability.

~~A.~~ This ~~Code~~ Title shall apply to all persons in Pima County, including citizens, residents, transients, and all other persons except where specifically exempted by the Arizona Revised Statutes. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1979-93 (part), 1979)

#### 17.04.050 State and/or county.

A. This ~~Code~~ Title shall apply to all types, kinds, and sizes of air pollutant emission sources in Pima County except those sources under the jurisdiction of the Arizona Department of Environmental Quality as listed below unless delegated to Pima County:

1. Major sources if Pima County has not received approval from the administrator for new source review under the clean air act and prevention of significant deterioration under the clean air act.

2. Smelting of metal ore.

3. Petroleum refineries.

4. Coal fired electrical generating stations.

5. Portland cement plants.

6. Air pollution by portable sources, except as specified in subsection C of this section.

7. Air pollution by mobile sources for the purpose of regulating those sources as prescribed by A.R.S. Title 49, Chapter 3, Articles 4 and 5 and consistent with the clean air act.

8. After November 15, 1993, Title V sources if Pima County has not submitted a permit program as required under Title V of the clean air act (Permits) or if the administrator has disapproved that permit program.

~~B. This Code shall not apply to emission sources under the original jurisdiction of the Arizona Department of Environmental Quality unless regulatory authority has been delegated to Pima County pursuant to A.R.S. 36-1705 or 36-1706.~~

~~1. Emission sources under original jurisdiction of the Arizona Department of Environmental Quality, and subject to delegation from time to time, include:~~

~~a. Major sources of air pollution, including any source capable of generating more than seventy five tons per day of air contaminants, uncontrolled, and~~

~~b. Air polluting operations and activities of all agencies and departments of the state and its political subdivisions, and~~

~~c. Motor vehicles, and~~

~~d. Air polluting mobile or portable machinery and equipment capable of being operated in more than one country.~~

B. Except as specified in subsection A of this section, the review, issuance, administration and enforcement of permits issued pursuant to this title shall be by the county. After the director has provided prior written notice to the control officer describing the reason for asserting jurisdiction and provided an opportunity to confer, the county shall relinquish jurisdiction, control and enforcement over such permits as the director designates and at such times as he asserts jurisdiction at the state level. The order of the director which asserts state jurisdiction shall specify the matters, geographical area, or sources over which the department shall exercise jurisdiction and control. Such state authority shall then be the sole and exclusive jurisdiction and control to the extent asserted and the provisions of A.R.S. Title 49, Chapter 3 shall govern, except as provided in that chapter, until jurisdiction is surrendered by the department to the county.

C. Portable sources under jurisdiction of the Arizona Department of Environmental Quality under subsection A, paragraph 6, of this section may be required to file notice with the director and shall be required to file notice with the control officer before beginning operations in Pima County.

D. Notwithstanding any other law, a permit issued to a state regulated source shall include the emission standard or standard of performance adopted by Pima County pursuant to A.R.S. 49-479, if such standards are more stringent than those adopted by the director and if such standards are specifically identified as applicable to the permitted source or a component of the permitted source. Such standards shall be applied to sources identified in subdivisions A.2, 3, 4 or 5 of this section only if the standard is formally proposed for adoption as part of the state implementation plan. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1989-165 § 2, 1989; Ord. 1979-93(part), 1979)

#### 17.04.060 Limitations.

A. Nothing in this Title shall be construed so as to:

1. Regulate or control air pollution existing solely within commercial or industrial plants, works, or shops owned by or under the control of the person causing the air pollution; or

2. Prevent normal agricultural soil-cultivation and crop-producing practices which cause dust.

B. No rule adopted in this Title shall preempt or nullify any applicable requirement or emission standard in an applicable implementation plan unless the control officer revises the applicable implementation plan in conformance with the requirements of 40 CFR Part 51, subpart F, and the Administrator approves the revision. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

### Article III. Incorporated Materials.

#### 17.04.070 Incorporated Materials.

The following documents are incorporated herein by reference and are on file with the control officer:

1. The Arizona Department of Environmental Quality's "Arizona Testing Manual for Air Pollutant Emissions", amended as of May, 1989.

2. The ASTM Test Methods referenced in this Title are those adopted as of the date specified, and all adoption dates occur on or before January 1, 1989.

3. All parts of the CFR referenced in this Title are amended as of July 1, 1993.

4. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987". (Ord. 1993-\_\_\_ § \_\_, 1993)

### Article IV. Administration.

#### ~~17.04.070~~ 17.04.080 Air quality control district.

~~A.~~ The Pima County Air Pollution Control District, having been created by Pima County Ordinance 1966-44, in accordance with A.R.S. 49-473.B and 49-474 and 49-475 and operating within the Pima County Department of Environmental Quality, is hereby continued and shall be known as the Pima County Air Quality Control District. (Ord. 1989-165 § 3, 1989; Ord. 1979-93 (part), 1979)

#### ~~17.04.080~~ 17.04.090 Executive head.

~~A.~~ The Director of the Pima County Department of Environmental Quality shall be the air pollution control officer and executive head of the Pima County Air Quality Control District. He shall perform such duties and exercise such powers as are prescribed by law, and shall be known hereafter as the air quality control officer. (Ord. 1989-165 § 4, 1989; Ord. 1979-93 (part), 1979)

#### ~~17.04.090~~ 17.04.100 Governing body.

~~A.~~ The Pima County board of supervisors shall be the governing body of the district, and the air quality control officer shall administer this ~~code~~ Title. (Ord. 1979-93 (part), 1979)

### Article V. Advisory Council.

#### ~~17.04.100~~ 17.04.110 Establishment.

~~A.~~ The Pima County board of supervisors, pursuant to A.R.S. 49-477, shall appoint an air pollution advisory council (to be known hereafter as the Pima County environmental quality advisory council) to advise and consult with the board of supervisors, the Pima County department of environmental quality director in administering this ~~code~~ Title and applicable statutes. (Ord. 1990-114 §1, 1990; Ord. 1989-165 § 5, 1989; Ord. 1979-93 (part), 1979)

~~17.04.110~~ 17.04.120 Composition.

A. The advisory council shall consist of ten members who are knowledgeable in the field of environmental protection including air pollution and its control, water quality protection and solid waste/hazardous materials management with one member from each of the following fields or range of fields: general business or industry, including manufacturing, real estate, tourism or development; mining or utilities, automotive industry or small business; consumer protection or public or environmental interest; environmental conservation or resource management; science or engineering; health or education; transportation and land use planning; hydrology, water resources or waste management; environmental planning or environmental law.

B. None of the members may hold a governmental position with any incorporated city or town in Pima County or the Pima County government itself while serving on the council. (Ord. 1990-114 § 2, 1990: Ord. 1987-68 § 1, 1987: Ord. 1979-93 (part), 1979)

~~17.04.120~~ 17.04.130 Terms - Nominations.

A. The advisory council members shall serve three-year, staggered terms, and shall serve until reappointed or replaced.

B. Advisory council members shall be appointed by the board of supervisors from lists of qualified candidates nominated by the board of supervisors, various professional or community organizations representative of the indicated fields, or other governmental entities within Pima County.

1. Each nomination shall include a statement of the qualifications of the nominee.

2. The board of supervisors shall fill each vacancy within three months of the effective date of the vacancy. Ord. 1979-93 (part), 1979)

~~17.04.130~~ 17.04.140 Function.

A. The advisory council shall address itself to such issues as needed legislation, review of Pima County department of environmental quality needs, evaluation of the impacts of air quality planning, and degradation of clean air, water quality protection, regulation of solid and hazardous waste and other environmental issues.

B. The council may also recommend proposed changes and additions to this Title to the board of supervisors.

C. Adequate staff support shall be provided by the department of environmental quality director to the council.

D. All recommendations of the council shall be submitted to the board of supervisors for its consideration. (Ord. 1990-114 § 3, 1990: Ord. 1979-93 (part), 1979)

~~17.04.140~~ 17.04.150 Officers - Procedures.

A. The advisory council shall select a chairman, vice-chairman, and such other officers as it deems necessary.

B. The council shall adopt procedural rules to govern the conduct of its meetings.

C. Minutes of the meetings shall be taken and forwarded to the board of supervisors. (Ord. 1990-114 § 4, 1990: Ord. 1979-93 (part), 1979)

~~17.04.150~~ 17.04.160 Meetings - Special studies - Hearings.

A. The advisory council shall hold meetings at least quarterly, and all meetings shall be open to the public.

~~1- B.~~ A representative selected by the council shall meet with the board of supervisors at least semi-annually to call attention to existing or potential needs related to the environmental quality in Pima County.

~~B- C.~~ The council may recommend special studies of environmental problems and may form subcommittees or task forces for this purpose.

~~1- D.~~ If funding is needed for the foregoing, approval shall be obtained from the board of supervisors.

~~G- E.~~ The council shall hold public hearings as necessary to perform its duties, including provisions for allowing members of the public to speak on the subject matter under consideration. (Ord. 1993-\_\_\_ \$ \_\_, 1993; Ord. 1990-114 \$ 4, 1990: Ord. 1979-93 (part), 1979)

~~17.04.160~~ 17.04.170 Compensation - Absences.

A. Advisory council members shall serve without compensation.

B. A council member's absence for three consecutive meetings shall be considered a resignation unless a majority of the members of the council vote to excuse such absence upon good cause at their next regularly scheduled meeting. (Ord. 1979-93 (part), 1979)

Article VI. Hearing Board.

~~17.04.170~~ 17.04.180 Establishment.

~~A-~~ The Board of Supervisors, pursuant to A.R.S. 49-478, shall appoint an air pollution hearing board (to be known hereafter as the air quality hearing board) to serve in a quasi-judicial capacity regarding enforcement proceedings and other legal matters required by Arizona Revised Statutes. (Ord. 1989-165 § 6, 1989: Ord. 1979-93 (part), 1979)

~~17.04.180~~ 17.04.190 Composition.

A. The hearing board shall consist of five members, none of whom is an employee of the county or of the state or any of its political subdivisions.

1. The five members shall be knowledgeable in the field of air pollution control.

2. One member shall have been admitted to the practice of law in the state.

3. One member shall be a duly licensed practitioner of medicine in the state.

4. One member shall be a registered professional engineer in the state.

B. At least a majority of the hearing board members shall not individually have a substantial interest in an emission source subject to permits or enforcement orders issued pursuant to this ~~Code~~ Title. Substantial interest means any interest other than a remote interest as defined in A.R.S. ~~38-502-10~~ 38-502, paragraph 10. (Ord. 1993-\_\_\_ \$ \_\_, 1993; Ord. 1981-12 (part), 1981; Ord. 1979-93 (part), 1979)

~~17.04.190~~ 17.04.200 Terms - Nominations.

A. Hearing board members shall serve three-year, staggered terms.

B. Hearing board members shall be appointed by the Board of Supervisors from lists of qualified candidates nominated by the board of supervisors, various professional or community organizations representative of the indicated fields, or other governmental entities in Pima County.

1. Each nomination shall include a statement of the qualifications of the nominee.

2. The board of supervisors shall fill each vacancy within three months of the effective date of the vacancy. (Ord. 1979-93 (part), 1979)

~~17.04.200~~ 17.04.210 Functions.

~~A.~~ The hearing board shall perform such duties as prescribed by law, specifically as described in the following sections of the Arizona Revised Statutes:

1. A.R.S. 49-482: Permit Denial Appeals;

2. A.R.S. 49-490: Hearings on Orders of Abatement;

~~3. A.R.S. 49-491: Conditional Permit Standards;~~

~~4. A.R.S. 49-492: Hearing on Petitions for Conditional Permits;~~

~~5. A.R.S. 49-493: Decisions on Conditional Permits;~~

~~6. A.R.S. 49-494: Terms of a Conditional Permit;~~

~~7. A.R.S. 49-495: Revocation of Conditional Permits;~~

~~8.~~ 3. A.R.S. 49-496: Hearing Board Decisions and Procedures. (Ord. 1993-  
§   , 1993; Ord. 1989-165 § 7, 1989: Ord. 1979-93(part), 1979)

~~17.04.210~~ 17.04.220 Officers - Procedures.

A. The hearing board shall select a chairman, vice-chairman, and such other officers as it deems necessary.

B. The hearing board shall adopt a manual of procedures governing its operation, conditional upon approval of such manual by the board of supervisors. (Ord. 1979-93(part), 1979)

~~17.04.220~~ 17.04.230 Meetings - Hearings.

A. The hearing board shall hold meetings or hearings as required by law or as requested by the board of supervisors or the control officer.

B. All hearings conducted by the hearing board shall be open to the public, including provisions for allowing members of the public to speak on the subject matter under consideration. (Ord. 1979-93 (part), 1979)

~~17.04.230~~ 17.04.240 Compensation - Absences.

A. The hearing Board members shall serve without compensation, but the board of supervisors may authorize reimbursement of subsistence and travel from and to their respective places of residence when on official business.



B. A member's absence for three consecutive meetings or hearings shall be considered a resignation unless a majority of the members of the hearing board vote to excuse such absence upon good cause at their next regularly scheduled meeting. (Ord. 1979-93 (part), 1979)

17.04.250 Decisions of hearing board; subpoenas; effective date.

A. All decisions of the hearing board, including the majority of opinion and all concurring and dissenting opinions, shall be in writing and shall be of public record.

B. A majority of the total membership of the hearing board shall concur in a decision for it to have effect.

C. The chairman or, in his absence, the vice chairman may issue subpoenas to compel attendance of any person at a hearing and require the production of books, records and other documents material to a hearing. Obedience to subpoenas may be enforced pursuant to A.R.S. 12-2212.

D. Decisions of the hearing board shall become effective not less than thirty days after they are issued unless:

1. A rehearing is granted which shall have the effect of staying the decision.

2. It is determined that an emergency exists which justifies an earlier effective date.

E. The hearing board may revoke or modify an order of abatement or a permit or permit revision only after first holding a hearing within thirty days from the giving of notice of such hearing as provided in this Title. (Ord. 1993-\_\_\_ § \_\_, 1993)

~~17.28.090~~ 17.04.260 Judicial review.

A. Judicial review of hearing board decisions shall be pursuant to the provision of A.R.S. Title 12, Chapter 7, Article 6, Sections 12-901 et seq., except as provided in this section.

B. Within thirty days after service of notice of a final decision or order of the board, or an order denying a rehearing timely applied for, any person who was a party of record in the proceedings before the board, including the control officer of department authorized or designated to enforce air pollution regulations, may appeal therefrom to the superior court in the county in which the hearing was conducted and the scope of such review shall be determined pursuant to A.R.S. 12-910.

C. A notice of appeal, designating the ground therefore, and a demand in writing for a certified transcript of the testimony and exhibits shall be filed with the court and served on the board. After receipt of the demand, accompanied by payment of a fee of the current prevailing rate for transcript, and one dollar for certification thereof, the board shall make and certify the transcript and file it with the clerk of the court to which the appeal has been taken within thirty days, unless extended by agreement of the parties or order of the court.

D. When an appeal is taken from an order or decision of the board, such order or decision shall remain in effect pending final determination of the matter, unless stayed by the court, on a hearing after notice to the board and upon a finding by the court that there is probable cause for appeal and that great or irreparable damage may result to the petitioner warranting a stay.

E. An appeal may be taken to the court of appeals from the order of the superior court as in other civil cases. Proceedings under this section shall be given precedence and brought to trial ahead of other litigation concerning

private interests and other matters that do not affect public health and welfare.  
(Ord. 1989-165 § 27, 1989; Ord. 1979-93 (part), 1979)

## Article VII. Legal Severability.

~~17.04.240~~ 17.04.270 Severability clause.

~~A.~~ Should any article, section, subsection, subdivision, paragraph, item, clause or phrase of this ~~Code~~ Title be declared unconstitutional or invalid for any reason, the remainder of this ~~Code~~ Title shall not be affected thereby, with all remaining portions of this ~~Code~~ Title continuing in full force. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

## Article VIII. Interpretations.

~~17.04.250~~ 17.04.280 Format.

A. This ~~Code~~ Title is organized in outline format with divisions, subdivisions, and numbering and lettering schemes having the meanings indicated below:

1. Chapter number (Arabic numerals 17.04 through ~~17.36~~ 17.40, e.g., 17.04 being Chapter .04 of Title 17);
2. Article number (Roman numerals I through X, subdividing the chapter);
3. Section number (three-part Arabic numerals further subdividing the article, with the first two parts numerically identical to the corresponding chapter number, e.g., 17.04.010 is Section .010 of Chapter 17.04);
4. Subsection letter (single-uppercase letter in alphabetical order, and called subsection, e.g., A);
5. Subdivision number (single-digit Arabic numeral, in numerical order, and called subdivision, e.g., 1);
6. Paragraph letter (single lowercase letter, in alphabetical order, and called item, e.g., a);
7. Item number (lowercase roman numerals in parentheses, e.g., (i)):
- ~~7.~~ 8. Clauses or phrases (unnumbered, unlettered);
- ~~8.~~ 9. No two chapters, articles, or sections have the same number.

B. Tables are numbered corresponding to their counterpart section, subsection or subdivision numbers.

C. Figures are numbered corresponding to their counterpart section, subsection or subdivision numbers.

D. Test methods and equipment specifications are numbered corresponding to their counterpart section numbers, or as specified within the corresponding section.

E. Tables and figures are positioned at the end of each chapter in which they are first referenced, respectively, in the order in which they are first referenced.

F. Pages are numbered consecutively throughout each chapter.  
(Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1985-183 (part), 1985; Ord. 1979-93 (part), 1979)

~~17.04.260~~ 17.04.290 Heading and special type.

A. Chapter, article, section and subsection headings used in this ~~Code~~ Title are inserted for convenience only and shall not affect the interpretation of the respective divisions or subdivisions. However, titles or numbers of a chapter, article, section, subsection, subdivision, table, or figure shall be used to identify any additional requirement when referenced herein.

B. When the word chapter, article, section, or other subdivision is presented alone within a section, it refers to the particular chapter, article, section, or other subdivision in which the word appears.

C. Brackets [] appearing after a heading or definition denote reasonable similarity of the definition or heading with a corresponding definition or acronym used in a requirement or regulation adopted by the U.S. Congress or the U.S. Environmental Protection Agency. The acronym inside the brackets is identical to the federal convention. All such devices are inserted for convenience only and shall not affect the interpretation of any rule in this ~~Code~~ Title. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1985-183 (part), 1985; Ord. 1979-93 (part), 1979)

~~17.04.270~~ 17.04.300 Use of number and gender.

~~A.~~ As used in this ~~Code~~ Title, words in the singular shall be deemed to import the plural, and words in the masculine gender shall be deemed to import the feminine, and vice versa, as the case may require. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1979-93 (part), 1979)

~~17.04.280~~ 17.04.310 Copies.

~~A.~~ Copies of this ~~Code~~ Title are available for sale to the public, at a charge not to exceed the actual costs of preparation, reproduction, and publication, in the office of the clerk of the board of supervisors. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1985-183 (part), 1985; Ord. 1979-93 (part), 1979)

~~17.04.290~~ 17.04.320 Effective date.

This code shall become effective immediately upon its adoption, continuing the predecessor Pima County air pollution control district rules and regulations of 1971, as amended, and Pima County air pollution control district ordinance 1972-38, as amended, in full force and effect without interruption. The foregoing is published in this document known as the Pima County air quality code, revised. (Ord. 1979-93 (part), 1979)

~~17.04.300~~ 17.04.330 Adoptions by reference.

~~A. When parts of the Arizona Administrative Code, abbreviated hereinafter as A.A.C., are adopted by reference herein, the following terms shall have the corresponding meanings as shown below:~~

<del>Term in A.A.C. Rules and Regulations</del>	<del>Meaning in this Code Title</del>
<del>Director</del>	<del>control officer</del>
<del>Bureau</del>	<del>Air quality control district</del>
<del>Hearing board</del>	<del>Pima County air quality hearing board</del>

A. When parts of the Arizona Revised Statutes are adopted by reference, the abbreviation A.R.S. will be used.

B. When parts of the U.S. Code of Federal Regulations are adopted by reference herein, the word "administrator" as used in parts 60 and 61, Chapter I, Title 40, Code of Federal Regulations shall mean the control officer of the Pima County air

quality control district, except that the control officer shall not be empowered to approve alternate or equivalent test methods or alternative standards/work practices.

C. References to the U.S. Code of Federal Regulations refer sequentially to Title, Code of Federal Regulations, Part, Section and Paragraph; e.g. 40 CFR 52.01(a) means Title 40, Code of Federal Regulations, Part 52, Section .01, Paragraph (a).

D. Any adoptions by reference supersede other portions of this ~~Code~~ Title which may conflict with the adoption by reference. (Ord. 1993-     §     , 1993; Ord. 1989-165 § 8, 1989; Ord. 1986-227 § 1 (part, 1986; Ord. 1983-196 (part), 1983)

## Article IX. Definitions and Meanings.

~~17.04.310~~ 17.04.340 Words, phrases, and terms.

Words, phrases, and terms used in this ~~Code~~ Title shall have the following meanings except where any narrative portion specifically indicates otherwise:

### A. Definitions.

1. "Acid mist" means sulfuric acid mist as measured in the Arizona Testing Manual and 40 CFR 60, Appendix A.

2. "A.C.M" means asbestos-containing material.

3. "A.C.R.M" means asbestos-containing roofing materials.

4. "Act" or "Clean Air Act" means the Clean Air Act of 1963 (P.L. 88-206; 42 United States Code sections 7401 through 7671) as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549).

~~1- 5.~~ "Activity" or "Activities" means any land clearing, land stripping, earthmoving, trenching, road construction or maintenance, mining and extraction of minerals prior to crushing and/or screening, blasting, excavation or storage of contaminated soil, storage of asbestos-containing material at temporary storage facilities in Pima County prior to final landfill disposal, and demolition or renovation of manmade facilities.

6. "Actual emissions" means the actual rate of emissions of an air pollutant from an emissions unit, as determined in accordance with paragraphs a through c.

a. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The control officer may allow the use of a different time period upon a demonstration that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored or combusted during the selected time period, or by any other method approved by the control officer.

b. If there is inadequate information to determine actual historic emissions (e.g., the source has only been operating for 6 months), the control officer may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

c. For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

- ~~2.~~ 7. "ADEQ" means the Arizona Department of Environmental Quality.
- ~~3.~~ 8. "ADHS" means the Arizona Department of Health Services.

9. "Administrator" means the Administrator of the United States Environmental Protection Agency.

10. "Adverse effects to human health" means those effects that result in or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, including adverse effects that are known to be or may reasonably be anticipated to be caused by substances that are acutely toxic, chronically toxic, carcinogenic, mutagenic, teratogenic, neurotoxic or causative of reproductive dysfunction.

11. "Adverse environmental effect" means any significant and widespread adverse effect which may reasonably be anticipated on wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.

12. "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a Class I area, as determined according to section 17.16.630.

13. "Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.

14. "Affected source" means a source that includes one or more units which are subject to emission reduction requirements or limitations under Title IV of the Act (Acid Deposition Control).

15. "Affected state" means any state whose air quality may be affected and that is contiguous to Arizona; or that is within 50 miles of the permitted source.

16. "Affected unit" shall have the meaning given to it in the regulations promulgated under Title IV of the Act (Acid Deposition Control).

17. "Afterburner" means an incinerator installed in the secondary combustion chamber or stack for the purpose of incinerating smoke, fumes, gases, unburned carbon, and other combustible material not consumed during primary combustion.

18. "A.H.E.R.A" means the Asbestos Hazard Emergency Response Act.

~~4.~~ 19. "Air contaminant" or "air pollutant" means smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, or noxious chemicals, or any other material in the outdoor atmosphere other than chemically uncombined, nitrogen, oxygen, carbon dioxide, and water.

20. "Air curtain destructor" means an incineration device designed and used to secure, by means of a fan-generated air curtain, controlled combustion of only wood waste and slash materials in an earthen trench or refractory-lined pit or bin.

~~5.~~ 21. "Air pollution" or "air pollutant" means the presence in the air of one or more air contaminants which either by reason of its concentration, duration, or interaction with other substances may be injurious to human, plant, or animal life; or causes damage to property; or unreasonably interferes with the enjoyment of life or property of a substantial part of a community, or obscures

visibility; or which in any way degrades the quality of the outdoor air.

22. "Air pollution control equipment" means equipment used to eliminate, reduce or control the emission of air pollutants into the ambient air.

23. "Air quality control region" (AQCR) means an area so designated by the Administrator pursuant to Section 107 of the Act (Air Quality Control Regions) and includes the following regions in Arizona:

a. Maricopa Intrastate Air Quality Control Region which is comprised of the County of Maricopa.

b. Pima Intrastate Air Quality Control Region which is comprised of the County of Pima.

c. Northern Arizona Intrastate Air Quality Control Region which encompasses the counties of Apache, Coconino, Navajo and Yavapai.

d. Mohave-Yuma Intrastate Air Quality Control Region which encompasses the counties of La Paz, Mohave and Yuma.

e. Central Arizona Intrastate Air Quality Control Region which encompasses the counties of Gila and Pinal.

f. Southeast Arizona Intrastate Air Quality Control Region which encompasses the counties of Cochise, Graham, Greenlee and Santa Cruz.

24. "Allowable emissions" means the emission rate of a stationary or portable source calculated using the maximum rated capacity of the source, unless the source is subject to federally enforceable limits which restrict the operating rate or hours of operation, and the most stringent of the following:

a. The applicable new source performance standards or national emission standards for hazardous air pollutants, as contained in Chapter 17.16, Articles VI or VII and in 40 CFR 60 and 61;

b. The applicable existing source performance standard, as approved for the SIP and contained in Chapter 17.16, Article IV; or,

c. The emissions rate specified in any federally promulgated rule or federally enforceable permit conditions applicable to the state of Arizona or Pima County.

25. "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to produce results adequate for the control officer's determination of compliance in accordance with subsection 17.12.040.D.

-6- 26. "Ambient air" means that portion of the atmosphere to which the general public has access, external to buildings, manufacturing plants, shops, enclosures, or other facilities.

27. "Applicable implementation plan" means those provisions of the state implementation plan approved by the Administrator or a Federal implementation plan promulgated in accordance with Title I of the Act (Air Pollution Prevention and Control).

28. "Applicable requirement" means all of the following as they apply to emissions units covered by a Class I or Class II permit (including requirements that have been promulgated or approved by EPA through rule making at the time of issuance but have future-effective compliance dates):

a. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Act (Air Pollution Prevention and Control) that implements

the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52;

b. Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under Title I, including parts C or D, of the Act (Prevention of Significant Deterioration of Air Quality and Plan Requirements for Nonattainment Areas);

c. Any standard or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources), including section 111(d);

d. Any standard or other requirement under section 112 of the Act (Hazardous Air Pollutants), including any requirement concerning accident prevention under section 112(r)(7) of the Act;

e. Any standard or other requirement of the acid rain program under Title IV of the Act (Acid Deposition Control) or the regulations promulgated thereunder;

f. Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act (Inspections, monitoring and entry);

g. Any standard or other requirement governing solid waste incineration, under section 129 of the Act (Solid Waste Combustion);

h. Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act (Federal Ozone Measures);

i. Any standard or other requirement for tank vessels, under section 183(f) of the Act (Federal Ozone Measures);

j. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act (Air Pollution from Outer Continental Shelf Activities);

k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act (Stratospheric Ozone Production), unless the Administrator has determined that such requirements need not be contained in a Title V permit; and

l. Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act (Prevention of Significant Deterioration of Air Quality), but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act (Permit Requirements and Conditions);

m. and any other requirement established pursuant to this Title or A.R.S. Title 49, chapter 3.

7- 29. "Approved" means approved "by the control officer". Any word implying acceptance, reasoning, or judgment means "by the control officer".

8- 30. "AQCD" means the Pima County Air Quality Control District, operating within the Pima County Department of Environmental Quality (PDEQ).

31. "Architectural coating" means a coating used commercially or industrially for residential, commercial or industrial buildings and their appurtenances; structural steel; and other fabrications such as storage tanks, bridges, beams and girders.

32. "A.R.S." means Arizona Revised Statutes, with standard reference s in this Title by Title and Section, so that A.R.S. 49-101 means Section 101 of Title 49 of the Arizona Revised Statutes.

33. "Arizona Testing Manual" (ATM) means the Arizona Testing Manual for Air Pollutant Emissions.

34. "ASHARA" means the Asbestos School Hazard Abatement Reauthorization Act.

35. "Asphalt concrete plant" means any facility used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cements. This is limited to facilities, including drum dryer plants that introduce asphalt into the dryer, which employ two or more of the following processes:

- a. A dryer.
- b. Systems for screening, handling, storing, and weighing hot aggregate.
- c. Systems for loading, transferring, and storing mineral filler.
- d. Systems for mixing asphalt concrete.
- e. The loading, transferring, and storage systems associated with emission control systems.

36. "ASTM" means the American Society for Testing and Materials.

37. "Attainment area" means an area so designated by the Administrator acting pursuant to Section 107 of the Act (Air Quality Control Regions) as having ambient air pollutant concentration equal to or less than national primary or secondary ambient air quality standards for a particular pollutant or pollutants.

38. "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

39. "Best available control technology" (BACT) means an emission limitation, including a visible emissions standard, based on the maximum degree of reduction for each regulated air pollutant which would be emitted from any proposed major stationary source or major modification which the control officer on a case-by-case basis, taking into account energy, environmental and economic impact and other costs, determines to be achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the control officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

40. "Black liquor" means waste liquor from the brown stock washer and spent cooking liquor which have been concentrated in the multiple-effect evaporator system.

41. "Btu" means British thermal unit, which is the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

42. "Building", "structure", "facility" or "installation" means all of the pollutant-emitting activities which belong to the same industrial grouping,



are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group which has the same two-digit code, as described in the standard industrial classification manual, 1972, as amended by the 1987 supplement.

43. "Calcine" means the solid materials produced by a lime plant.

44. "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

45. "Categorical sources" means the following classes of sources:

- a. Coal cleaning plants with thermal dryers;
- b. Kraft pulp mills;
- c. Portland cement plants;
- d. Primary zinc smelters;
- e. Iron and steel mills;
- f. Primary aluminum ore reduction plants;
- g. Primary copper smelters;
- h. Municipal incinerators capable of charging more than 50 tons of refuse per day;
  - i. Hydrofluoric, sulfuric, or nitric acid plants;
  - j. Petroleum refineries;
  - k. Lime plants;
  - l. Phosphate rock processing plants;
  - m. Coke oven batteries;
  - n. Sulfur recovery plants;
  - o. Carbon black plants using the furnace process;
  - p. Primary lead smelters;
  - q. Fuel conversion plants;
  - r. Sintering plants;
  - s. Secondary metal production plants;
  - t. Chemical process plants;
  - u. Fossil-fuel boilers, or combination thereof, totaling more than 250 million Btu's per hour heat input;
  - v. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
  - w. Taconite preprocessing plants;
  - x. Glass fiber processing plants;

y. Charcoal production plants;

z. Fossil fuel-fired steam electric plants and combined cycle gas turbines of more than 250 million Btu's per hour heat input.

46. "Category I nonfriable asbestos-containing material" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix A, subpart F, 40 CFR Part 763, section 1, Polarized Light Microscopy.

47. "Category II nonfriable asbestos-containing material" means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix A, subpart F, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized or reduced to powder by hand pressure.

~~10-~~ 48. "Cause" or "permit" (used as verbs) means to effect by action or participation, or by command, authority, or force; or allow, make possible, or consent to, either formally or passively.

49. "CFR" means the Code of Federal Regulations, with standard references in this Title by Title and Part, so that "40 CFR 51" means "Title 40 of the Code of Federal Regulations, Part 51."

50. "Change in the method of operation" means any change in operations which is not already covered under the terms of the source's permit.

51. "Charge" means the addition of metal bearing materials, scrap, or fluxes to a furnace, converter or refining vessel.

52. "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM D-388-91, (Classification of Coals by Rank).

53. "Combustion" means the burning of matter.

54. "Commence" means, as applied to construction or modification of a source:

a. for purposes other than Title IV of the Act (Acid Deposition Control), that the owner or operator has obtained all necessary preconstruction approval or permits required by federal law and this chapter and has done either of the following:

(i) begun or caused to begin a continuous program of physical on-site construction of the source to be completed within a reasonable time; or

(ii) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

b. for purposes of Title IV of the Clean Air Act (Acid Deposition Control), that the owner or operator has undertaken a continuous program of construction or that an owner or operator has entered into a contractual obligation to undertake and complete within a reasonable time a continuous program of construction.

55. "Complete" means, in reference to an application for a permit, that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the control officer from requesting or accepting any additional information.

56. "Concentrate" means enriched copper ore recovered from the froth flotation process.

57. "Concentrate dryer" means any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate a portion of the moisture from the charge, provided less than five percent of the sulfur contained in the charge is eliminated in the facility.

58. "Concentrate roaster" means any facility in which a copper sulfide ore concentrate is heated in the presence of air to eliminate five percent or more of the sulfur contained in the charge.

59. "Condensate stripper system" means a column, and associated condensers, used to strip, with air or steam, total reduced sulfur compounds from condensate streams of various processes within a kraft pulp mill.

60. "Construction" means any physical change or change in the method of operation, including fabrication, erection, installation, demolition, or modification of an emissions unit, which would result in a change in actual emissions.

~~11.~~ 61. "Contiguous geographical area" means a geographical area owned, leased, or under common control of the same proprietor, in which all portions are in contact by land surfaces ~~(other than public roads)~~ or by a body of water, and the outside boundary of such area can be circumscribed by a single unbroken boundary line. Such an area is considered contiguous even if it is intersected by a public road, wash, or watercourse.

62. "Continuous emissions monitoring (CEM) system" means the total equipment, required under the monitoring provisions in this Title, used to sample and, if applicable, to condition, to analyze, and to provide a permanent record of emission or process parameters.

~~12.~~ 63. "Control" means air pollution control or control of air pollution emissions.

64. "Control device" means the air pollution control equipment used to remove air contaminants generated by a process source from the effluent gas stream.

~~13.~~ 65. "Control officer" means the Director of Pima County Department of Environmental Quality who shall serve as the executive head of the Pima County Air Quality Control District, or one of his authorized agents.

66. "Controlled atmosphere incinerator" means one or more refractory-lined chambers in which complete combustion is promoted by recirculation of gases by mechanical means.

67. "Conventional" or "criteria" air pollutant means any pollutant for which the Administrator has promulgated a primary or secondary national ambient air quality standard.

68. "Converter" means any vessel to which copper matte is charged and oxidized to copper.

~~14.~~ 69. "County" means Pima County, Arizona.

70. "De minimis", for the purposes of permit thresholds for non-Title V sources and for permit revisions for all sources, shall mean those emission sources, equipment items, or emission levels which include the following:

a. With respect to sand and gravel or aggregate classification processes; non-motorized screens.

b. Cut sheet feed printing presses where total VOC emissions from all press operations do not exceed 2.4 pounds per day during any day.

c. Pressure tanks and pressurized vessels which are not expected to lose product under normal operation containing liquid propane gas (LPG) or other products regardless of capacity.

d. With respect to natural gas fuel burning equipment; any single piece of equipment with a rated capacity of less than 300,000 BTU per hour and an aggregated capacity of less than 2,000,000 BTU per hour.

e. For non-Title V sources, emergency generators, as defined in this section, or standby motors.

f. The aggregate of all surface coating operations of a source in which all the material used in the operation is purchased in containers of one quart or less, no coated product is heat cured, and total VOC usage does not exceed 2.4 pounds per day during any day.

g. The aggregate of all miscellaneous equipment, processes, or production lines that have total uncontrolled emissions of less than 2.4 pounds per day of VOC and less than 5.5 pounds per day of other regulated air pollutants.

h. The aggregate solvent degreasing operations at a source where the solvents are purchased in containers of less than one quart and total VOC usage does not exceed 2.4 pounds during any day.

~~-16-~~ 71. "Delivery vessels" means any vehicular mounted container(s) such as railroad tank cars, tanker trucks, tank trailers or any other mobile container used to transport gasoline, petroleum or petroleum distillates.

72. "Designated representative" shall have the meaning given to it in section 402(26) of the Act (Definitions) and the regulations promulgated thereunder.

73. "Director" means the director of the Arizona Department of Environmental Quality (ADEQ).

74. "Discharge" means the release or escape of an effluent from a source into the atmosphere.

75. "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by any of the following:

a. Using that portion of a stack which exceeds good engineering practice stack height;

b. Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

c. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This shall not include any of the following:

(i) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.

(ii) The merging of exhaust gas streams under any of the following conditions:

(a) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;

(b) After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant, applying only to the emission limitation for that pollutant; or

(c) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the reviewing agency shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the reviewing agency shall deny credit for the effects of such merging in calculating the allowable emissions for the source.

(iii) Smoke management in agricultural or silvicultural prescribed burning programs.

(iv) Episodic restrictions on residential woodburning and open burning.

(v) Techniques which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

-16- 76. "Dry wash" and "river bed" mean a watercourse having beds, banks, sides and channels through which either waters currently flow, at least periodically, or through which waters flowed, at least periodically, but no longer flow.

-17- 77. "Dust" or "Dust emissions" means minute solid particles released or discharged into the atmosphere by natural forces or mechanical processes.

-18- 78. "Dust suppressant" means a material, procedure, work practice, or operation which may be used for suppressing dust, such as landscaping, gravel covering, paving, application of chemicals, ~~and~~ or application of sufficient quantities of water.

-19- 79. "Effluent" means gases, liquids, and/or solids discharged to the ambient air from any point of an operation or activity.

80. "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

~~-20- "Emergency generators" and/or "standby engines" means any emergency power generator serving only as a secondary source of electric power, or any other engine intended for and used only in a backup system or for use in emergencies, and whose annual operating hours never exceeds three hundred sixty.~~

81. "Emergency generator" and/or "standby motor" means any internal combustion engine used solely as a source of standby power and that is:

a. operated less than 50 hours per year, as evidenced by an installed hour meter or written usage records maintained by the operator; or

b. only used for power when normal power line service fails; or

c. only used for the emergency pumping of water.

This definition does not include internal combustion engines used as standby power due to a voluntary reduction in power by the power company.

82. "Emission" means an air contaminant or gas stream, or the act of discharging an air contaminant or a gas stream, visible or invisible.

83. "Emissions allowable under the permit" means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

84. "Emissions unit" means any part of a stationary or portable source which emits or would have the potential to emit any pollutant subject to regulation under this Title.

85. "Emission standard" or "emission limitation" means a requirement established by the state, a local government, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

86. "Enforceable" means all limitations and conditions which are enforceable by the Administrator.

-22- 87. "Environmental Protection Agency (EPA)" means the United States Environmental Protection Agency as established by 40 CFR 1.1, et seq.

-23- 88. "Equipment" means any machine, incinerator, activity equipment, device, or other article including pollution control equipment that can or may contribute to or control emissions.

89. "Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated pursuant to section 17.12.040 to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

90. "Excess emissions" or "emissions in excess of an emission limitation" means emissions of an air pollutant in excess of an emission standard as measured by the compliance test method applicable to such emission standard.

91. "Existing source" means either:

a. a source in operation prior to the effective date of this Title, or a source on which the construction or modification has commenced and for which the control officer has granted a permit prior to the effective date of this Title; or

b. for NSPS purposes, "Existing source" may also mean any source which does not have an applicable new source performance standard under Chapter 17.16, Article VI.

92. "Federal Land Manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

93. "Federally enforceable" means:

a. all terms and conditions contained in a Title V operating permit except those which have been specifically designated as not federally enforceable;

b. all limitations and conditions which are enforceable by the Administrator, including the requirements of the New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants contained in this Title;

c. for all operating permits, the requirements of such other state or county rules or regulations approved by the Administrator for inclusion in the SIP; and

d. for all operating permits, the requirements of any federal regulation promulgated by the Administrator as part of the SIP.

94. "Federally listed hazardous air pollutant" means any air pollutant listed pursuant to section 112(b) of the Act (Hazardous Air Pollutants) and adopted pursuant to A.R.S. section 49-426.03, Subsection A and not deleted pursuant to that subsection.

95. "Final permit" means the version of a permit issued by the Control Officer after completion of all review required by this Title.

96. "Fixed capital cost" means the capital needed to provide all the depreciable components.

~~-25-~~ 97. "Floating roof" means a storage-vessel cover consisting of a pontoon, single-deck, double-deck, or internal floating solid material which rests upon the surface of and is supported by the liquid contents, and is equipped with a seal to close the space between the edge of the solid material and tank wall.

98. "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

99. "Fuel" means any material which is burned for the purpose of producing energy.

~~-26-~~ 100. "Fuel burning equipment" means equipment in which fuel or other material is burned for the principal purpose of producing steam, heating water, heating air, or heating other liquids, gases, or solids other than open burning or equipment used as an incinerator, as defined in this section.

~~-27-~~ 101. "Fugitive dust" means ~~dust~~ emissions of particulate matter other than stack emissions.

~~-28-~~ 102. "Fugitive emissions" means those emissions which ~~enter the atmosphere without passing through a vent, stack, flue or other restrictive device designed or installed for the principle purpose of discharging the effluent, including fugitive dust, as defined in this section, could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.~~

103. "Fume" means solid particulate matter resulting from the condensation and subsequent solidification of vapors of melted solid materials.

104. "Fume incinerator" means a device similar to an afterburner installed for the purpose of incinerating fumes, gases and other finely divided combustible particulate matter not previously burned.

~~-29-~~ 105. "Gasoline" means any petroleum distillate having a Reid vapor pressure greater than or equal to four pounds per square inch.

106. "General permit" means a permit that meets the requirements of sections 17.12.370 through 17.12.460.

107. "Good engineering practice (GEP) stack height" means a stack height meeting the requirements described in section 17.12.360.

~~-30-~~ 108. "Haul road" means a road constructed for the principle purpose of hauling construction materials, or to provide access to one or more construction sites, mining activities, or industrial operations.

109. "Hazardous air pollutant" (HAP) means any federally listed hazardous air pollutant and any air pollutant that the director has designated as a hazardous air pollutant pursuant to A.R.S. 49-426.04, Subsection A and has not deleted pursuant to A.R.S. 49-426.04, Subsection C.

110. "Hazardous air pollutant reasonably available control technology" (HAPRACT) means an emissions standard for hazardous air pollutants which the director, acting pursuant to A.R.S. 49-426.06, Subsection C, or the control officer, acting pursuant to A.R.S. 49-480.04, Subsection C, determines is reasonably available for a source. In making the foregoing determination the director or control officer shall take into consideration the estimated actual air quality impact of the standard, the cost of complying with the standard, the demonstrated reliability and widespread use of the technology required to meet the standard, and any non-air quality health and environmental impacts and energy requirements. For purposes of this definition an emissions standard may be expressed as a numeric emissions limitation or as a design, equipment, work practice or operational standard.

~~-31-~~ 111. "Hazardous Waste" means a hazardous waste as defined in 40 CFR 261, or a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may either:

a. Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating ~~irreversible~~ reversible illness; or

b. Pose a serious present or potential hazard to human health or the environment if improperly disposed.

~~-32-~~ 112. "Hazardous Waste Fuel" means hazardous wastes that are burned for energy recovery in an industrial furnace or boiler that is not regulated as a hazardous waste incinerator. Hazardous waste fuel includes fuel produced from hazardous waste by processing, blending, or other treatment.

113. "Heat input" means the quantity of heat in terms of Btu's generated by fuels fed into the fuel burning equipment under conditions of complete combustion.

~~-33-~~ 114. "Herein" when used anywhere in this ~~Code Title~~, refers to the complete set of rules and regulations contained in this ~~Code Title~~.

115. "High sulfur oil" means fuel oil containing 0.90 percent or more by weight of sulfur.

116. "High terrain" means any area having an elevation of 900 feet or more above the base of the stack of a source.

~~-34-~~ 117. "Incinerator" means a piece of equipment, device, or contrivance principally used for the destruction of combustible solid, liquid, or gaseous wastes by burning or thermal oxidation, and the products of combustion or thermal oxidation are directed through a flue, stack, vent, or other similar constraining or restricting device.

118. "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

119. "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or act of Congress.

120. "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a



substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice, and of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

121. "Kraft pulp mill" means any stationary source which produces pulp from wood by cooking or digesting wood chips in a water solution of sodium hydroxide and sodium sulfide at high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.

-35- 122. "Land stripping", "land clearing activity" or "land stripping activity" means removal of all or any portion of existing vegetation from parcels of land with equipment which plows or scrapes the ground surface.

123. "Lead" means elemental lead or alloys in which the predominant component is lead.

124. "Lime hydrator" means a unit used to produce hydrated lime product.

125. "Lime kiln" means a unit used to calcinate lime rock or kraft pulp mill lime mud which consists primarily of calcium carbonate, into quicklime, which is calcium oxide.

126. "Lime plant" includes any plant which produces a lime product from limestone by calcination. Hydration of the lime product is also considered to be part of the source.

127. "Lime product" means any product produced by the calcination of limestone.

-36- 128. "Loading facility" means any operation or facility (such as gasoline, petroleum distillates, or petroleum storage tank farms, pipeline terminals, bulk plants or loading docks) where gasoline, petroleum or petroleum distillates are transferred or loaded into delivery vessels or other storage facilities for further distribution.

129. "Low sulfur oil" means fuel oil containing less than 0.90 percent by weight of sulfur.

130. "Low terrain" means any area other than high terrain.

131. "Lowest achievable emission rate" (LAER) means, for any source, the more stringent rate of emissions based on one of the following:

a. The most stringent emissions limitation which is contained in the SIP of any state for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or,

b. The most stringent emissions limitation which is achieved in practice by such class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable standards of performance as contained in Chapter 17.16 Articles VI and VII or the amount allowable in 40 CFR 60 and 61.

132. "Major modification" means any physical change or change in the method of operation of a major source that would result in a significant net emissions increase of any pollutant subject to regulation under this Title.

a. Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.

b. Any net emissions increase that is significant for oxides of nitrogen shall be considered significant for ozone for ozone nonattainment areas classified as marginal, moderate, serious or severe.

c. For the purposes of this definition the following shall not be considered a physical change or change in the method of operation:

(i) Maintenance, repair and replacement which the control officer determines to be routine.

(ii) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. § 792, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act, 16 U.S.C. §§ 792 - 825r;

(iii) Use of an alternative fuel by reason of an order or rule under Section 125 of the Act (Measures to Prevent Economic Disruption or Unemployment);

(iv) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(v) Use of an alternative fuel or raw material by a stationary source which either:

(a) The source was capable of accommodating before December 12, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, pursuant to 40 CFR 52.21, or under the permitting provisions of this Title; or

(b) The source is approved to use under any permit issued under 40 CFR 52.21, or under the permitting provisions of this Title.

(vi) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, pursuant to 40 CFR 52.21, or under the permitting provisions of this Title.

(vii) Any change in ownership at a stationary source.

133. "Major source" means:

a. For purposes of Chapter 17.16, Article VII:

(i) Any source located in a nonattainment area which emits, or has the potential to emit, 100 tons per year or more of any conventional air pollutant, except as follows:

<u>Pollutant Emitted</u>	<u>Nonattainment Pollutant and Classification</u>	<u>Quantity Threshold (tons/year or more)</u>
<u>Carbon Monoxide (CO)</u>	<u>CO, Serious, with stationary sources as more than 25% of source inventory</u>	<u>50</u>
<u>Volatile Organic Compounds (VOC)</u>	<u>Ozone, Serious</u> <u>Ozone, Severe</u>	<u>50</u> <u>25</u>
<u>PM<sub>10</sub></u>	<u>PM<sub>10</sub> Serious</u>	<u>70</u>

or

(ii) Any source located in an attainment or unclassifiable area which emits, or has the potential to emit, 100 tons per year or more of any

conventional air pollutant if the source is classified as a Categorical Source, or 250 tons per year or more of any pollutant subject to regulation under the Act if the source is not classified as a Categorical Source; or

(iii) Any change to a minor source which would increase its emissions to the qualifying levels specified under subparagraphs (i) or (ii);

(iv) Any source which emits, or has the potential to emit, five or more tons of lead per year; or

(v) Any source classified as major undergoing modification that meets the definition of reconstruction.

(vi) A major source that is major for volatile organic compounds shall be considered major for ozone.

(vii) A major source that is major for oxides of nitrogen shall be considered major for ozone in nonattainment areas classified as marginal, moderate, serious or severe.

b. For purposes of Chapter 17.16, Articles VII and IX, a major source under section 112 of the Act (Hazardous Air Pollutants):

(i) For pollutants other than radionuclides, any source that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant, including fugitive emissions, which has been listed pursuant to section 112 (b) of the Act (Hazardous Air Pollutants), 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as described in Chapter 17.16, Article IX. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(ii) For radionuclides, "major source" shall have the meaning specified by the Administrator by rule.

c. For purposes of Chapter 17.12:

(i) A major stationary source, as defined in Section 302 (i) of the Act (Definitions), that directly emits or has the potential to emit, 100 tpy or more of any air pollutant including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a source shall not be considered in determining whether it is a major stationary source for the purposes of section 302 (i) of the Act (Definitions), unless the source belongs to one of the following categories of stationary source:

(a) Coal cleaning plants (with thermal dryers);

(b) Kraft pulp mills;

(c) Portland cement plants;

(d) Primary zinc smelters;

(e) Iron and steel mills;

(f) Primary aluminum ore reduction plants;

(g) Primary copper smelters;

(h) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(i) Hydrofluoric, sulfuric, or nitric acid plants;

- (j) Petroleum refineries;
- (k) Lime plants;
- (l) Phosphate rock processing plants;
- (m) Coke oven batteries;
- (n) Sulfur recovery plants;
- (o) Carbon black plants (furnace process);
- (p) Primary lead smelters;
- (q) Fuel conversion plants;
- (r) Sintering plants;
- (s) Secondary metal production plants;
- (t) Chemical process plants;
- (u) Fossil-fuel boilers (or combination thereof)

totaling more than 250 million British thermal units per hour heat input;

- (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(w) Taconite ore processing plants;

(x) Glass fiber processing plants;

(y) Charcoal production plants;

(z) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

(aa) All other stationary source categories regulated by a standard promulgated under section 111 or 112 of the Act (Standards of Performance for New Stationary Sources or Hazardous Air Pollutants), but only with respect to those air pollutants that have been regulated for that category.

(ii) A major source as defined in paragraphs a and b of this subdivision.

~~37.~~ 134. "Malfunction" means an unavoidable failure of control equipment or associated equipment to operate in a normal manner. Failures that are caused entirely or partly by poor maintenance, careless operations, or other preventable breakdown shall not be considered malfunctions.

135. "Material permit condition" shall mean a condition which satisfies all of the following:

a. The condition is in a permit or permit revision issued by the control officer after September 1, 1993.

b. The condition is identified within the permit as a material permit condition.

c. The condition is one of the following:

(i) An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement.

(ii) A requirement to install, operate or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required pursuant to the requirements of A.R.S. § 49-426.06.

(iii) A requirement for the installation or certification of a monitoring device.

(iv) A requirement for the installation of air pollution control equipment.

(v) A requirement for the operation of air pollution control equipment.

d. The condition is not covered by subsections (A) through (F), or (H) through (J) of A.R.S. § 49-464 or subsections (A) through (F), or (H) through (J) of A.R.S. §49-514.

136. "Matte" means a metallic sulfide made by smelting copper sulfide ore concentrate or the roasted product of copper sulfide ores.

137. "Maximum achievable control technology" (MACT) means an emission standard that requires the maximum degree of reduction in emissions of the hazardous air pollutants subject to this Title, including a prohibition on such emissions where achievable, that the control officer, after considering the cost of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements, determines to be achievable by a source to which such standard applies, through application of measures, processes, methods, systems or techniques including measures which:

(a) reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications.

(b) Enclose systems or processes to eliminate emissions.

(c) collect, capture or treat such pollutants when released from a process, stack, storage or fugitive emissions point.

(d) are design, equipment, work practice, or operational standards, including requirements for operator training or certification.

(e) are a combination of the above.

-38- 138. "Metallic particulate" means any solid or vaporous emission containing antimony, beryllium, cadmium, chromium, cobalt, lead, mercury, nickel, phosphorus, or selenium in either elemental form or as part of a compound.

-39- 139. "Mining activity" means an activity involving earthmoving operations, including blasting, for the primary purpose of extracting from the earth, minerals such as but not limited to, sand, gravel, overburden, aggregate, limestone, rock, or ore.

140. "Minor source" means any stationary or portable source that is not a major source.

141. "Minor source baseline area" means the air quality control region in which the source is located.

142. "Miscellaneous metal parts and products" for purposes of industrial coating include all of the following:

a. Large farm machinery, such as harvesting, fertilizing and planting machines, tractors, and combines.

b. Small farm machinery, such as lawn and garden tractors, lawn mowers, and rototillers.

c. Small appliances, such as fans, mixers, blenders, crock pots, dehumidifiers, and vacuum cleaners.

d. Commercial machinery, such as office equipment, computers and auxiliary equipment, typewriters, calculators, and vending machines.

e. Industrial machinery, such as pumps, compressors, conveyor components, fans, blowers, and transformers.

f. Fabricated metal products, such as metal covered doors and frames.

g. Any other industrial category which coats metal parts or products under the Code in the "Standard Industrial Classification Manual, 1987" of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (non-electric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries), except all of the following:

(i) Automobiles and light-duty trucks.

(ii) Metal cans.

(iii) Flat metal sheets and strips in the form of rolls or coils.

(iv) Magnet wire for use in electrical machinery.

(v) Metal furniture.

(vi) Large appliances.

(vii) Exterior of airplanes.

(viii) Automobile refinishing.

(ix) Customized top coating of automobiles and trucks, if production is less than 35 vehicles per day.

(x) Exterior of marine vessels.

143. "Mobile source" means any combustion engine, device, machine or equipment that operates during transport and that emits or generates air contaminants whether in motion or at rest.

144. "Modification" or "modify" means a physical change in or change in the method of operation of a source which increases the actual emissions of any air pollutant emitted by such source by more than any relevant de minimis amount or which results in the emission of any air pollutant not previously emitted by more than such de minimis amount.

145. "Monitoring device" means the total equipment, required under the applicable provisions of this Title, used to measure and record, if applicable, process parameters.

-40- 146. "Motor vehicle" means any self-propelled vehicle, such as, but not limited to, the following: truck, car, cycle, bike or buggy.

147. "Multiple chamber incinerator" means three or more refractory-lined combustion chambers in series, physically separated by refractory walls and interconnected by gas passage ports or ducts.

148. "Multiple-effect evaporator system" means the multiple-effect evaporators and associated condenser and hotwell used to concentrate the spent cooking liquid that is separated from the pulp.

149. "NAAQS" means national ambient air quality standards.

150. "National ambient air quality standard" means the ambient air pollutant concentration limits established by the administrator pursuant to 42 United States code section 7409.

151. "Necessary preconstruction approvals or permits" means those permits or approvals required under the Act and those air quality control laws and rules which are part of the SIP.

152. "NESHAP" means the National Emission Standard for Hazardous Air Pollutants, according to 40 CFR 61.

153. "NESHAP facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation or building.

154. "Net emissions increase" means:

a. The amount by which the sum of subparagraphs (i) and (ii) exceeds zero:

(i) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

(ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:

(i) The date five years before construction on the particular change commences; and

(ii) The date that the increase from the particular change occurs.

c. An increase or decrease in actual emissions is creditable only if the control officer has not relied on it in issuing a permit, which is in effect when the increase in actual emissions from the particular change occurs. In addition, in nonattainment areas, a decrease in actual emissions shall be considered in determining net emissions increase due to modifications only if the state has not relied on it in demonstrating attainment or reasonable further progress.

d. An increase or decrease in actual emissions of sulfur dioxide, nitrogen oxides, or particulate matter which occurs before the applicable baseline date, as described in section 17.08.150, is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

e. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

f. A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins; and,

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(iv) The emissions unit was actually operated and emitted the specific pollutant.

g. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

155. "Neutral sulfite semichemical pulping" means any operation in which pulp is produced from wood by cooking or digesting wood chips in a solution of sodium sulfite and sodium bicarbonate, followed by mechanical defibrating or grinding.

~~41.~~ 156. "New source" means a source which commences construction, installation, modification, operation, or for which the control officer or hearing board grants an installation permit, on or after the effective date of adoption of this Code. Any source that is not an existing source.

157. "Nitric acid plant" means any facility producing nitric acid 30 to 70 percent in strength by either the pressure or atmospheric pressure process.

158. "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in the Appendices to 40 CFR 60.

159. "Nonattainment area" means an area so designated by the Administrator acting pursuant to Section 107 of the Act (Air Quality Control Regions) as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.

160. "Nonattainment area plan" means an air pollution control plan developed in accordance with 42 United States code sections 7501 through 7515.

161. "Nonpoint source" means a source of air contaminants which lacks an identifiable plume or emission point.

162. "NSPS" means new source performance standards.

163. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

~~43.~~ 164. "Open outdoor fire" or "open burning" means combustion in the outdoors of any material, during which the products of combustion are not directed through a flue, chimney, duct, vent, stack, or other restrictive device designed or installed for the principle purpose of discharging the effluent to the atmosphere.

165. "Operation" means any physical or chemical action resulting in the change in location, form, physical properties or chemical character of a material.

~~44.~~ 166. "Organic materials" means those defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, and ammonium carbonate.

167. "Owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.



168. "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

169. "Particulate matter emissions" means all finely divided solid or liquid materials other than uncombined water, emitted to the ambient air as measured by applicable test methods and procedures described in section 17.12.040.

45- 170. "PDEQ" or "Department" means the Pima County Department of Environmental Quality.

171. "Permit program costs" means all reasonable (direct and indirect) costs required to develop and administer a permit program, as set forth in 40 CFR, § 70.9(b) (whether such costs are incurred by the permitting authority or other State or local agencies that do not issue permits directly, but that support permit issuance or administration).

172. "Permitting authority" means the department or a county department or agency that is charged with enforcing a permit program adopted pursuant to A.R.S. § 49-480, subsection A.

46- 173. "Person" includes any public or private corporation, company, partnership, firm, trust, association or society of persons, the federal government and any of its departments or agencies, the state and any of its agencies, departments or political subdivisions, as well as a natural person.

47- 174. "Petroleum liquid" means any crude petroleum or any finished or intermediate products which are manufactured by crude petroleum processing and finishing operations.

48- 175. "Petroleum product" means any petroleum liquid having a vapor pressure of 1.5 psia or greater, including gasoline manufactured by any process.

176. "Physical change" means any replacement, addition or alteration of equipment that is not already allowed under the terms of the source's permit.

177. "Planning agency" means the organization designated by the governor pursuant to 42 United States Code Section 7504 as having the authority and responsibility of preparing nonattainment area plans.

178. "Plume" means visible effluent.

179. "PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by a reference method contained within 40 CFR 50 Appendix J or by an equivalent method designated in accordance with 40 CFR 53.

180. "PM10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten micrometers emitted to the ambient air as measured by applicable test methods and procedures described in section 17.12.040.

181. "Portable source" means any building, structure, facility or installation subject to regulation pursuant to A.R.S. §49-426 which emits or may emit any air pollutant and is capable of being operated at more than one location.

182. "Potential to emit" or "potential emission rate" means the maximum capacity of a stationary source to emit pollutant, excluding secondary emissions, under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

183. "Primary ambient air quality standards" means the ambient air quality standards which define levels of air quality necessary, with an adequate margin of safety, to protect the public health, as specified in Chapter 17.08, Article I.

184. "Primary standard attainment date" means the date defined within a nonattainment area plan in accordance with 42 United States code sections 7401 through 7515 and after which date primary national ambient air quality standards may not be violated.

~~-49-~~ 185. "Private driveway" means a road constructed for the sole purpose of gaining access to a one or two-family residence.

~~-50-~~ 186. "Private residence" means a one or two family dwelling unit.

187. "Process" means one or more operations, including equipment and technology, used in the production of goods or services or the control of by-products or waste.

188. "Process source" means the last operation or process which produces an air contaminant resulting from either:

a. The separation of the air contaminants from the process material, or

b. The conversion of constituents of the process materials into air contaminants which is not an air pollution abatement operation.

~~-51-~~ 189. "Process weight" or "process weight rate" means the total weight of all materials introduced into a source for a representative period of actual operation - including solid fuels, but excluding liquids and gases used solely as fuels, and excluding air introduced for purposes of combustion - divided by the number of hours of that period, excluding any time during which the equipment is idle.

190. "Proposed permit" means the version of a permit for which the control officer offers public participation or affected state review under the provisions of Chapter 17.12, Article II.

191. "Proposed final permit" means the version of a Title V permit that the Department proposes to issue and forwards to the Administrator for review under the provisions of Chapter 17.12, Article II.

192. "Quantifiable emission reductions (and increases)" are those for which both the amount and the character of those emissions. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, process or production inputs, modeling, or other reasonable measurement practices. Quantification methods shall be credible, workable and replicable. The method for calculating emissions should be used to measure the emissions both before and after the changes in emission levels, both at the generator and at the user of the emission reduction.

~~-52-~~ 193. "RACT (reasonably available control technology)" is the lowest emission limit that can be achieved by the specific source by the application of control technology taking into account technological feasibility and cost-effectiveness, and the specific design features or extent of necessary modifications to the source.

194. "Reasonable further progress" means the schedule of emission reductions defined within a nonattainment area plan as being necessary to come into compliance with a national ambient air quality standard by the primary standard attainment date.

195. "Reclaiming machinery" means any machine, equipment device or other article used for picking up stored granular material and either depositing this material on a conveyor or reintroducing this material into the process.

196. "Reconstruction" of sources located in nonattainment areas shall be presumed to have taken place where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new stationary source, as determined in accordance with the provisions of 40 CFR 60.15(f)(1)-(3).

197. "Recovery furnace" means the unit, including the direct-contact evaporator for a conventional furnace, used for burning black liquor to recover chemicals consisting primarily of sodium carbonate and sodium sulfide.

198. "Reference method" means the methods of sampling and analyzing for an air pollutant as described in the Arizona Testing Manual; 40 CFR 50, Appendices A through K; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C.

199. "Regulated air pollutant" means any of the following:

a. Any conventional air pollutant as defined in A.R.S. § 49-401.01 or this Title.

b. Nitrogen oxides and volatile organic compounds.

c. Any air contaminant that is subject to a standard contained in Chapter 17.16, Article VI or promulgated under section 111 of the Act (Standards of Performance for New Stationary Sources).

d. Any hazardous air pollutant as defined in A.R.S. § 49-401.01 or listed pursuant to section 112(b) of the Act (Hazardous Air Pollutants).

e. Any substance listed in section 602 of the Act (Listing of Class I and Class II Substances).

200. "Regulated asbestos-containing material (RACM)" means:

(a) Friable asbestos material.

(b) Category I nonfriable ACM that has become friable.

(c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting or abrading, or

(d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this title.

201. "Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquified petroleum gases, as determined by ASTM D-323-90 (Test Method for Vapor Pressure of Petroleum Products) (Reid Method).

202. "Resource recovery project" means any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse. Only energy conversion facilities that utilize solid waste which provides more than 50 percent of the heat input shall be considered a resource recovery project under this Article.

203. "Responsible official" means one of the following:

a. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(ii) The delegation of authority to such representatives is approved in advance by the permitting authority;

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

c. For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this Article, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

d. For affected sources:

(i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Act (Acid Deposition Control) or the regulations promulgated thereunder are concerned; and

(ii) The designated representative for any other purposes under 40 CFR part 70.

204. "Reverberatory smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided primarily by combustion of a fossil fuel.

-53- 205. "Road" means a path, trail, driveway, freeway, street, or accessway which is constructed for principle use by vehicular traffic.

-54- 206. "Road construction" means the construction of a new roadway or the conversion of an existing unpaved road to a paved road.

207. "Rotary lime kiln" means a unit with an included rotary drum which is used to produce a lime product from limestone by calcination.

-55- 208. "Rules and regulations" means the complete set of Pima County air quality control district rules and regulations contained in this Code Title, including any future revisions, additions, or amendments, specifically referring to this Code Title and future amendments as distinguished from any former rules and regulations.

209. "Run" means the net period of time during which an emission sample is collected, which may be, unless otherwise specified, either intermittent or continuous within the limits of good engineering practice.

-56- 210. "Scrap metal sweater" or "sweater" means a furnace designed to melt metallic scrap for the principle purpose of separating and recovering the metal.

211. "Secondary ambient air quality standards" means the ambient air quality standards which define levels of air quality necessary to protect the public health and welfare from any known or anticipated adverse effects of a pollutant, as specified in Chapter 17.08, Article I.

212. "Secondary emissions" means emissions which are specific, well defined, quantifiable, occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or

operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

213. "Service road" means a road constructed for the principle purpose of providing maintenance or service of/to pipelines, power lines, farmland, public utilities, right-of-way, or refuse collection.

214. "Shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose, except routine phasing out of process equipment.

215. "Significance levels" means the following ambient concentrations for the enumerated pollutants:

Pollutant	Averaging Time				
	Annual	24 Hour	8 Hour	3 Hour	1 Hour
SO <sub>2</sub>	1 $\mu\text{g}/\text{m}^3$	5 $\mu\text{g}/\text{m}^3$		25 $\mu\text{g}/\text{m}^3$	
NO <sub>2</sub>	1 $\mu\text{g}/\text{m}^3$				
CO			0.5 mg/m <sup>3</sup>		2 mg/m <sup>3</sup>
PM <sub>10</sub>	1 $\mu\text{g}/\text{m}^3$	5 $\mu\text{g}/\text{m}^3$			

Except for the annual pollutant concentrations, exceedance of significance levels shall be deemed to occur when the ambient concentrations of the above pollutants is exceeded more than once per year at any one location. If such concentrations occur at a specific location and at a time when Arizona ambient air quality standards for such pollutant is not violated, then the significance level does not apply.

216. "Significant" means for the purposes of a major modification of any stationary source:

a. In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant	Emissions Rate (tons per year)
Carbon monoxide	100 tpy
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Particulate matter	25 tpy
PM <sub>10</sub>	15 tpy
VOC	40 tpy
Lead	0.6 tpy
Fluorides	3 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H <sub>2</sub> S)	10 tpy
Total reduced sulfur (including H <sub>2</sub> S)	10 tpy

Reduced sulfur compounds (including H(2)S)

10 tpy

Municipal waste combustor organics  
(measured as total tetra-through octa-,  
chlorinated dibenzo-p-dioxins and  
dibenzofurans)

3.5x10<sup>-6</sup> tpy

Municipal waste combustor metals (measured  
as particulate matter)

15 tpy

Municipal waste combustor acid gases  
(measured as sulfur dioxide and  
hydrogen chloride)

40 tpy

b. In ozone nonattainment areas classified as serious or severe,  
significant emissions of VOC shall be determined under section 17.16.580.

c. In reference to a pollutant subject to regulation under this Title  
that is not listed in subparagraph (a) and is not a hazardous air pollutant  
according to A.R.S. § 49-401.01(11), any emission rate.

d. Notwithstanding the emission amount listed in subparagraph (a), any  
emissions rate or any net emissions increase associated with a major source or  
major modification, which would be constructed within 10 kilometers of a Class  
I area and have an impact on the ambient air quality of such area equal to or  
greater than 1 µg/m<sup>3</sup> (24-hour average).

217. "Slag" means the fused and vitrified matter separated during the  
reduction of a metal from its ore.

218. "Smelt dissolving tank" means a vessel used for dissolving the smelt  
collected from the kraft mill recovery furnace.

219. "Smelter feed" means all materials utilized in the operation of a  
copper smelter including metals or concentrates, fuels and chemical reagents,  
calculated as the aggregate sulfur content of all fuels and other feed materials  
whose products of combustion and gaseous by-products are emitted to the  
atmosphere.

220. "Smelting" means processing techniques for the smelting of a copper  
sulfide ore concentrate or calcine charge leading to the formation of separate  
layers of molten slag, molten copper, or copper matte.

221. "Smelting furnace" means any vessel in which the smelting of copper  
sulfide ore concentrates or calcines is performed and in which the heat necessary  
for smelting is provided by an electric current, rapid oxidation of a portion of  
the sulfur contained in the concentrate as it passes through an oxidizing  
atmosphere, or the combustion of a fossil fuel.

222. "Smoke" means particulate matter resulting from incomplete  
combustion.

223. "Solvent degreasing" means the removal of loosely held uncured  
adhesives, uncured ink, uncured coatings and contaminants which include dirt,  
soil and grease from parts, products, tools, machinery, equipment, and general  
work areas using a solvent other than water.

-60- 224. "Solvent degreasing operation" means and involves one or more  
units or containers of less than two gallons capacity each that can either be  
grouped together by location or as an integral or logical part of a specific  
operation.

61. "Source or emission source" means a physical arrangement, equipment,  
device, facility, structure, activity, fire, or operation which emits, or has the  
potential for emitting air contaminants.

225. "Source" means any building, structure, facility or installation that may cause or contribute to air pollution or the use of which may eliminate, reduce or control the emission of air pollution.

~~-62-~~ 226. "Source operator" means an originator, owner or operator, or lessee of an emission source.

227. "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

~~-63-~~ 228. "Stack emissions" means emissions which enter the air by passing through a vent, stack, flue, or other similar containing or restrictive device designed or installed for the principle purpose of discharging the effluent.

229. "Stack in existence" means that the owner or operator had either:

a. Begun, or caused to begin, a continuous program of physical on-site construction of the stack, or

b. Entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

230. "Standard conditions" means a temperature of 293°K (68°F or 20°C) and a pressure of 101.3 kilopascals (29.92 inches Hg or 1013.25 mb).

231. "Start-up" means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.

~~-65-~~ 232. "State" means the state of Arizona unless the context indicates otherwise.

233. "State implementation plan" (SIP) means the plan adopted by the state of Arizona which provides for implementation, maintenance, and enforcement of such primary and secondary ambient air quality standards as are adopted by the Administrator, pursuant to the Act.

234. "Stationary rotating machinery" means any gas engine, diesel engine, gas turbine, or oil fired turbine operated from a stationary mounting and used for the production of electric power or for the direct drive of other equipment.

235. "Stationary source" means any building, structure, facility or installation subject to regulation which emits or may emit any air pollutant.

~~-66-~~ 236. "Submerged fill pipe" means a fill pipe or nozzle which extends below the surface of liquid in the receiving vessel for at least ninety-five percent of the volume filled, or a similar device which extends to within six inches of the bottom of the receiving vessel.

237. "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized as a means of preventing emissions of sulfur dioxide or other sulfur compounds to the atmosphere.

238. "Supplementary control system" (SCS) means a system by which sulfur dioxide emissions are curtailed during periods when meteorological conditions conducive to ground-level concentrations in excess of ambient air quality standards for sulfur dioxide either exist or are anticipated.

239. "Surplus" means emission reductions not required by current regulations in the SIP; not already relied upon for SIP planning purposes; and not used by the source to meet any other regulatory requirement, including, at

the ERC's time of use, RACT, RFP or milestones, or demonstration of attainment.

240. "Title V source" means

- a. any major source;
- b. any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources);
- c. any source, including an area source, subject to a standard or other requirement under section 112 of the Act (Hazardous Air Pollutants), solely because it is subject to regulations or requirements under section 112(r) of the Act;
- d. any affected source; and
- e. any source in a source category designated by the Administrator pursuant to 40 CFR 70.

241. "Total reduced sulfur" (TRS) means the sum of the sulfur compounds, primarily hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during the kraft pulping operation and other operations and measured by Method 16 in 40 CFR 60, Appendix A.

242. "Total suspended particulate" (TSP) means all particulate matter in the ambient air.

243. "Unclassified area" means an area which the Administrator, because of a lack of adequate data, is unable to classify as an attainment or nonattainment area for a specific pollutant, and which, for purposes of this Title, is treated as an attainment area.

244. "Uncombined water" means condensed water containing analytical trace amounts of other chemical elements or compounds.

~~67. "Unpaved parking lot" means a contiguous geographical area that is regularly used for the parking of self-propelled vehicles and is not covered with dust-suppressing materials and maintained in such a manner that visible emissions of dust from the parking area are permanently prevented other than during times of normal cleaning or after flooding.~~

~~68.~~ 245. "Unpaved road" means a road which is not covered with dust-suppressing materials and maintained in such a manner that visible emissions of dust from the road surface are permanently prevented other than during times of normal cleaning and/or after flooding.

246. "Urban or suburban open area" means an unsubdivided tract of land surrounding a substantial urban development of a residential, industrial, or commercial nature and which, though near or within the limits of a city or town, may be uncultivated, used for agriculture, or lie fallow.

~~69.~~ 247. "Used Oil" means oil that has been refined from crude oil and that has been contaminated by physical or chemical impurities as a result of use.

~~70.~~ 248. "Used Oil Fuel" means used oil that is to be burned for energy recovery, including fuel which is produced from used oil by processing, blending or other treatment.

249. "Vacant lot" means a subdivided residential or commercial lot which contains no buildings or structures of a temporary or permanent nature.

250. "Vapor" means the gaseous form of a substance normally occurring in a liquid or solid state.

251. "Vapor pressure" means the pressure exerted by the gaseous form of a substance in equilibrium with its liquid or solid form.



~~71.~~ 252. "Vapor recovery/disposal system" means a system which consists of one of the following:

a. A system which processes the displaced vapors and either recovers or disposes of the vapors being processed so as to prevent an emission rate greater than 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere.

b. A vapor handling system which directs at least ninety-five percent by weight of the displaced vapors to a vapor capture and/or recovery system.

c. Other equipment of an efficiency equal to or greater than ~~subsection 71a or 77b~~ paragraph a or b of this ~~section~~ subdivision and approved by the control officer.

253. "Visibility impairment" means any humanly perceptible change in visibility from that which would have existed under natural conditions.

254. "Visible emissions" means any emissions which are visually detectable without the aid of instruments and which contain particulate matter.

255. "Volatile organic compounds (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound other than the following:

- a. Methane;
- b. Ethane;
- c. Methylene chloride (dichloromethane);
- d. 1,1,1-trichloroethane (methyl chloroform);
- e. 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113);
- f. Trichlorofluoromethane (CFC-11);
- g. Dichlorodifluoromethane (CFC-12);
- h. Chlorodifluoromethane (CFC-22);
- i. Trifluoromethane (FC-23);
- j. 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
- k. Chloropentafluoroethane (CFC-115);
- l. 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
- m. 1,1,1,2-tetrafluoroethane (HFC-134a);
- n. 1,1-dichloro 1-fluoroethane (HCFC-141b);
- o. 1-chloro 1,1-difluoroethane (HCFC-142b);
- p. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- q. Pentafluoroethane (HFC-125);
- r. 1,1,2,2-tetrafluoroethane (HFC-134);
- s. 1,1,1-trifluoroethane (HFC-143a);

- t. 1,1-difluoroethane (HFC-152a); and
- u. perfluorocarbon compounds which fall into these classes:
- (i) cyclic, branched, or linear, completely fluorinated alkanes;
  - (ii) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
  - (iii) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
  - (iv) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

256. "Wood waste burner" means an incinerator designed and used exclusively for the burning of wood wastes consisting of wood slabs, scraps, shavings, barks, sawdust or other wood material, including those that generate steam as a by-product.

(Ord. 1993-\_\_\_ § \_\_\_, 1993; Ord. 1991-136 § 2, 1991; Ord. 1990-113 § 1, 1990; Ord. 1989-165 § 9, 1989; Ord. 1987-175 § 1, 1987; Ord. 1986-227 § 1 (part), 1986; Ord. 1983-196 (part), 1981; Ord. 1982-91 (part), 1982; Ord. 1981-12 (part), 1981; Ord. 1979-93 (part), 1979)

~~17.04.320~~ 17.04.350 Meanings of mathematical symbols.

Mathematical symbols appearing in this ~~Code~~ Title shall have the following meanings:

Symbol	Meaning
<	less than
≤	less than or equal to
>	greater than
≥	greater than or equal to
M	the multiplier one thousand
MM	the multiplier one million
n <sup>3</sup>	the number represented by n to the third power

Exponents are shown in large type to avoid confusion with footnote numbering. For example,  $\mu\text{g}/\text{m}^3$  indicates micrograms per cubic meter, and  $\text{ug}/\text{m}^3$  indicates micrograms per meter, reference footnote three. (Ord. 1979-93 (part), 1979)

~~17.04.330~~ 17.04.360 Chemical symbols and abbreviations.

Chemical symbols and abbreviations appearing in this ~~Code~~ Title shall have the following meanings:

Symbol or Abbreviation	Meaning
Al	aluminum
Be	beryllium
CH <sub>2</sub> Cl <sub>2</sub>	methylene chloride
CH <sub>3</sub> CCl <sub>3</sub>	methyl chloroform
CH <sub>4</sub>	methane
C <sub>2</sub> Cl <sub>3</sub> F <sub>3</sub>	trichloro-trifluoroethane
C <sub>2</sub> H <sub>6</sub>	ethane
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
Cu	copper
F	fluorine
Fe	iron
HC	hydrocarbon

Hg	mercury
NO <sub>3</sub>	nitric acid
H <sub>2</sub> S	hydrogen sulfide
H <sub>2</sub> SO <sub>4</sub>	sulfuric acid
NO <sub>2</sub>	nitrogen dioxide
NO <sub>x</sub>	oxides of nitrogen
O <sub>2</sub>	oxygen
O <sub>3</sub>	ozone
Pb	lead
P <sub>2</sub> O <sub>5</sub>	phosphorous pentoxide
S	sulfur
SO <sub>2</sub>	sulfur dioxide
SO <sub>3</sub>	sulfur trioxide
SO <sub>x</sub>	oxides of sulfur
TRS	total reduced sulfur
TSP	total suspended particulate matter
Vc	vinyl chloride
Zn	zinc
Δp	pressure drop between two points

(Ord. 1979-93 (part), 1979)

~~17.04.340~~ 17.04.370 Scientific units.

Scientific units appearing in this ~~Code~~ Title shall have the following meanings:

Unit	Meaning
dscf.	a dry cubic foot of gas at standard conditions of 20°C. (68°F.) and 760 mm of mercury (29.92 in. of Hg), excluding any water vapor therein.
g	gram; a unit of mass (453.6 g = one lb.)
gr.	grain; a unit of mass equal to 0.002286 ounce (7000 gr. = one lb.)
ppm.	parts of pollutant per million parts of effluent, by volume (gases only)
μg/m <sup>3</sup>	micrograms pollutant per cubic meter of effluent or air
Btu.	British thermal unit (heating value)
Mw-hr.	rating of power generating equipment; mega (million) watts times hours

(Ord. 1979-93 (part), 1979)

~~17.04.350~~ 17.04.380 Acronyms.

The following acronyms used herein are those defined by the U.S. Environmental Protection Agency:

Acronym	Meaning
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NSPS	New Source Performance Standards
NAAQS	National Ambient Air Quality Standards

(Ord. 1983-196 (part), 1983)

Article I. Procedures for Amending.

~~17.04.360~~ 17.04.390 Legal authority.

~~All~~ All amendments to this ~~Code~~ Title shall be made pursuant to the requirements contained in A.R.S. 49-479. (Ord. 1989-165 § 10 (part), 1989; Ord. 1979-93 (part), 1979)

~~17.04.370~~ 17.04.400 General procedures.

A. An amendment to this ~~Code~~ Title shall be made in full accord with the following requirements:

1. No rule or regulation shall be enacted or amended except after the board of supervisors holds a public hearing on the proposed amendment. Members of the public shall be allowed to speak at the hearing.

2. The board of supervisors' public hearing on any set of proposed amendments shall be preceded by a public announcement of the hearing to include the date, time, and place of such hearing. The announcement shall be published at least twice in a newspaper of general circulation in the county, and shall be posted in at least three conspicuous places in the county.

3. At least one copy of the proposed amendment shall be made available for the general public's examination in the Air Quality Control District's general offices located at 130 West Congress Street, Tucson, Arizona 85701 at the time of notice of such hearing.

4. Copies of the notice of the board of supervisors' public hearing shall be mailed to the control officer of the Pinal-Gila Counties air quality control district, the director of the Maricopa County bureau of air pollution control; the director of the Arizona Department of Environmental Quality; the regional administrator, Region IX, Environmental Protection Agency; the mayor of the City of Tucson; the mayor of the City of South Tucson, the mayor of the Town of Marana; the mayor of the Town of Oro Valley; and the executive director of the Pima Association of Governments.

5. A record of each public hearing shall be prepared and made available to any person upon request. The official records shall include the name of each commentator and a written summary of his comments.

6. Any revision to this ~~Code~~ Title shall be forwarded to the Arizona Department of Environmental Quality, along with a certification of the public-notice actions, record of hearings, and other requirements of the ~~Code~~ Title. The control officer shall include a request to the director of the Arizona Department of Environmental Quality that such revision be submitted by the governor of the state to the regional administrator, Region IX, Environmental Protection Agency, as an official revision to Arizona's State Implementation Plan (SIP) for air quality control. (Ord. 1991-136 § 3, 1991: Ord 1989-165 § 10 (part), 1989: Ord 1979-93 (part), 1979)

~~17.32.080~~ 17.04.410 Public participation in rulemaking.

A. The control officer shall encourage the public to provide input to the rulemaking process.

B. Extensive publicity, including prominently displayed advertisements in newspapers of wide circulation and notification by mail to interested public and private organizations, shall be given to all public hearings conducted by the air quality advisory council, the air quality hearing board, and the board of supervisors concerning proposed amendments to this ~~Code~~ Title.

C. The control officer shall consider public comment on methods to improve this ~~Code~~ Title, or to improve air quality in Pima County. For example, informal comments received from interested citizens may be filed and referred to when amending this document. (Ord. 1979-93 (part), 1979)

Section 2. That chapter 17.08 of the Pima County Code is amended to read as follows:

## CHAPTER 17.08 AMBIENT AIR QUALITY STANDARDS

### Sections:

#### Article I. Ambient-air Standards.

- 17.08.010 Applicability and Standards.
- 17.08.020 Sulfur Oxides.
- 17.08.030 Particulate Matter (PM<sub>10</sub>).
- 17.08.040 Carbon Monoxide.
- 17.08.050 Ozone.
- 17.08.060 Nitrogen Dioxide.
- 17.08.070 Lead.

#### Article II. Ambient Air Quality Monitoring and Procedures.

- 17.08.080 Ambient air quality monitoring methods and procedures.
- 17.08.090 Interpretation of ambient air quality standards and evaluation of air quality data.

#### Article III. Classification Requirements for Attainment Areas.

- 17.08.100 Designation and classification of attainment areas.

#### Article IV. Attainment/Nonattainment Area Designations.

- 17.08.110 Tucson nonattainment areas.
- 17.08.120 Rillito nonattainment area.
- 17.08.130 Ajo nonattainment area.
- 17.08.140 General county areas.
- 17.08.150 Limitation of pollutants in classified attainment areas.

#### Article I. Ambient-air Standards.

- ~~17.12.150~~ 17.08.010 Applicability and Standards.

~~A.~~ This article applies to all areas, classes, sizes, and ages of sources, including major sources and minor sources, existing as well as new sources, and to fugitive air polluting activities as well as stack emissions. (Ord. 1979-93 (part), 1979)

#### 17.08.020 Sulfur Oxides.

A. The primary ambient air quality standards for sulfur oxides measured as sulfur dioxide using the reference method described in 40 CFR 50, appendix A, or by an equivalent method, are:

1. 80 micrograms per cubic meter (0.03 parts per million), annual arithmetic mean; and

2. 365 micrograms per cubic meter (0.14 parts per million), maximum 24-hour concentration not to be exceeded more than once per year.

secondary ambient air quality standard for sulfur dioxide is 1300 parts per cubic meter (0.5 parts per million) maximum 3-hour concentration not to be exceeded more than once per year. (Ord. 1993-\_\_\_ § \_\_, 1993)

9) Particulate Matter (PM<sub>10</sub>).

primary and secondary 24-hour ambient air quality standards for particulate matter are 150 micrograms per cubic meter, 24-hour average concentration. The standards are attained when the expected number of days per year with a 24 hour concentration above 150 micrograms per cubic meter, determined in accordance with 40 CFR 50, appendix K, is equal to or less than one.

primary and secondary annual ambient air quality standards for particulate matter are 50 micrograms per cubic meter, annual arithmetic mean. The standard is attained when the expected annual arithmetic mean concentration, determined in accordance with 40 CFR 50, appendix K, is less than or equal to 50 micrograms per cubic meter.

For the purpose of determining attainment of the primary and secondary air quality standards, particulate matter shall be measured in the ambient air as PM<sub>10</sub> (particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers) by:

A reference method based on 40 CFR 50, appendix J, and designated in accordance with 40 CFR 53, or

An equivalent method designated in accordance with 40 CFR 53. (Ord. 1993-\_\_\_ § \_\_, 1993)

10 Carbon Monoxide.

primary ambient air quality standards for carbon monoxide are:

Nine (9) parts per million [ten (10) milligrams per cubic meter] for the 8-hour average concentration not to be exceeded more than once per year, and

Thirty-five (35) parts per million [forty (40) milligrams per cubic meter] for the one-hour average concentration not to be exceeded more than once per year.

The levels of carbon monoxide in the ambient air shall be measured by:

A reference method based on 40 CFR 50, appendix C, and designated in accordance with 40 CFR 53, or

An equivalent method designated in accordance with 40 CFR 53. (Ord. 1993-\_\_\_ § \_\_, 1993)

11 Ozone.

primary and secondary ambient air quality standards for ozone are 0.12 parts per million (235 micrograms per cubic meter) for a one-hour concentration.

The standards are attained when the expected number of days per calendar year with maximum hourly concentrations above 0.12 parts per million (235 micrograms per cubic meter) is equal to or less than one (1), as determined by 40 CFR 50, appendix H.

The levels of ozone in the ambient air shall be measured by a reference method based on 40 CFR 50, appendix D, and designated in accordance with 40 CFR 53, or an equivalent method designated in accordance with 40 CFR 53. (Ord. 1993-\_\_\_ § \_\_, 1993)

17.08.060 Nitrogen Dioxide.

A. The primary and secondary ambient air quality standards for nitrogen dioxide are 0.053 parts per million (100 micrograms per cubic meter), annual arithmetic mean concentration.

B. The standards are attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 parts per million, rounded to three decimal places (fractional parts equal to or greater than 0.0005 must be rounded up). To demonstrate attainment, an annual mean shall be based upon hourly data that are at least seventy-five percent complete or upon data derived from manual methods that are at least seventy-five percent complete for the scheduled sampling days in each calendar quarter.

C. The levels of nitrogen dioxide in the ambient air shall be measured by:

1. A reference method based on 40 CFR 50, appendix F, and designated in accordance with 40 CFR 53, or

2. An equivalent method designated in accordance with 40 CFR 53. (Ord. 1993-\_\_\_ § \_\_\_, 1993)

17.08.070 Lead.

A. The primary and secondary ambient air quality standards for lead and its compounds are 1.5 micrograms per cubic meter, maximum arithmetic mean averaged over a calendar quarter.

B. The levels of lead and its compounds in the ambient air shall be measured as elemental lead by:

1. A reference method based on 40 CFR 50, appendix G, and designated in accordance with 40 CFR 53, or

2. An equivalent method designated in accordance with 40 CFR 53. (Ord. 1993-\_\_\_ § \_\_\_, 1993)

Article II. Ambient Air Quality Monitoring and Procedures.

17.08.080 Ambient air quality monitoring methods and procedures.

A. Only those methods which have been either designated by the Administrator as reference or equivalent methods shall be used to monitor ambient air.

B. Quality assurance, monitor siting, and sample probe installation procedures shall be in accordance with procedures described in the Appendices to 40 CFR 58. (Ord. 1993-\_\_\_ § \_\_\_, 1993; )

17.08.090 Interpretation of ambient air quality standards and evaluation of air quality data.

A. Unless otherwise specified, interpretation of all ambient air quality standards contained in this Title shall be in accordance with 40 CFR 50.

B. The evaluation of air quality data in terms of procedure, methodology, and concept is to be consistent with methods described in 40 CFR 50. (Ord. 1993-\_\_\_ § \_\_\_, 1993; )

Article III. Classification Requirements for Attainment Areas.

17.08.100 Designation and classification of attainment areas.

A. All attainment and unclassified areas or parts thereof shall be classified as either Class I, Class II or Class III.

B. All of the following areas which were in existence on August 7, 1977, shall be Class I areas irrespective of attainment status and shall not be redesignated:

1. International parks.
2. National wilderness areas which exceed 5,000 acres in size.
3. National memorial parks which exceed 5,000 acres in size.
4. National parks which exceed 6,000 acres in size.

C. The following areas shall be designated only as Class I or II:

1. An area which as of August 7, 1977, exceeds 10,000 acres in size and is one of the following:

- a. A national monument.
- b. A national primitive area.
- c. A national preserve.
- d. A national recreational area.
- e. A national wild and scenic river.
- f. A national wildlife refuge.
- g. A national lakeshore or seashore.

2. A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

D. All other areas shall be Class II areas unless redesignated under subsections E or F of this Section.

E. The Governor or the Governor's designee may request that the Administrator redesignate areas of the state as Class I or Class II, provided that the following requirements are fulfilled:

1. At least one public hearing is held in or near the area affected;
2. Other states, Indian governing bodies and Federal Land Managers, whose land may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing.

3. A discussion document of the reasons for the proposed redesignation including a description and analysis of health, environmental, economic, social and energy effects of the proposed redesignation is prepared by the Governor or the Governor's designee. The discussion document shall be made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing shall contain appropriate notification of the availability of such discussion document.

4. Prior to the issuance of notice respecting the redesignation of an area which includes any Federal lands, the Governor or the Governor's designee has provided written notice to the appropriate Federal Land Manager and afforded the Federal Land Manager adequate opportunity, not in excess of 60 days, to



confer with the state respecting the redesignation and to submit written comments and recommendations. The Governor or the Governor's designee shall publish a list of any inconsistency between such redesignation and such recommendations, together with the reasons for making such redesignation against the recommendation of the Federal Land Manager, if any Federal Land Manager has submitted written comments and recommendations.

5. The redesignation is proposed after consultation with the elected leadership of local governments in the area covered by the proposed redesignation.

F. The Governor or the Governor's designee may request that the Administrator redesignate areas of the state as Class III if all of the following criteria are met:

1. Such redesignation meets the requirements of subsection E of this Section.

2. Such redesignation has been approved after consultation with the appropriate committee of the legislature if it is in session or with the leadership of the legislature if it is not in session.

3. The general purpose units of local government representing a majority of the residents of the area to be redesignated concur in the redesignation.

4. Such redesignation shall not cause, or contribute to, concentration of any air pollutant which exceeds any maximum allowable increase or maximum allowable concentration permitted under the classification of any area.

5. For any new major source or a major modification of such source which may be permitted to be constructed and operated only if the area in question is redesignated as Class III, any permit application or related materials shall be made available for public inspection prior to a public hearing.

G. Lands within the exterior boundaries of Indian reservations may be redesignated only by the appropriate Indian governing body. (Ord. 1993-\_\_\_ S \_\_\_, 1993)

#### **Article IV. Attainment/Nonattainment Area Designations.**

~~17.12.220- 17.08.110 Tucson nonattainment areas.~~

~~A. An area defined by the following township/range/section coordinates shall be a nonattainment area for TSP:~~

~~T13S-R13E sections 5, 8-10, 13-17, 20-28, 33-36, 6 (northeast and southeast quarters only), 7 (northeast and southeast quarters only);~~

~~T13S-R14E sections 19-21, 26-35;~~

~~T14S-R13E sections 1-3, 10-14, 23-25;~~

~~T14S-R14E sections 3-9, 17-19, 30.~~

~~Boundaries of the Tucson area for TSP are shown in figure 17.12.220A, which is on file in the offices of the air quality control district.~~

~~B. The Tucson nonattainment area for TSP shall be a Class II attainment area for SO<sub>2</sub>, NO<sub>x</sub>, and O<sub>3</sub>, and those portions not lying within the Tucson nonattainment area for CO herein shall be a Class II attainment area for CO.~~

~~C. A. An area defined by the following geographic coordinates, as listed in 40 CFR 81.303, shall be a nonattainment area for CO:~~

LATITUDE	LONGITUDE
32°38.5'N	111°24.0'W
32°26.5'N	110°47.5'W
32°12.5'N	110°32.5'W
31°49.5'N	110°25.5'W

## LATITUDE

## LONGITUDE

31°42.0'N  
31°52.5'N  
32°24.5'N

110°50.5'W  
111°12.5'W  
111°29.0'W

All portions of Coronado National Forest and Saguaro National Monument lying within the nonattainment area are excluded.

~~Boundaries of the Tucson nonattainment area for CO are shown in Figure 17.12.220C, which is on file in the offices of the air quality control district.~~

~~D. E. The Tucson nonattainment area for CO shall be a Class II attainment area for SO<sub>2</sub>, NO<sub>2</sub>, and O<sub>3</sub>, and these portions not lying within the Tucson nonattainment area for TSP herein shall be a Class II attainment area for TSP, unclassified for PM<sub>10</sub>. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1986-227 § 1 (part), 1986: Ord. 1985-183 (part), 1985: Ord. 1983-196 (part), 1983)~~

#### 17.08.120 Rillito nonattainment area.

An area defined by the following township/range/section coordinates shall be a nonattainment area for PM<sub>10</sub>:

T11S-R9E, T11S-R10E, T11S-R11E, T11S-R12E;  
T12S-R8E, T12S-R9E, T12S-R10E, T12S-R11E, T12S-R12E. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993)

#### ~~17.12.230~~ 17.08.130 Ajo nonattainment area.

A. An area encompassing Ajo and its immediate surroundings shall be a nonattainment area for SO<sub>2</sub>, defined by the following township/range/section coordinates:

T11S-R6W, T11S-R5W;  
T12S-R6W, T12S-R5W;  
T13S-R6W.

B. An additional area shall be unclassifiable for SO<sub>2</sub>, defined by the following coordinates: T11S-R7W; T12S-R7W; T13S-R7W; T13S-R5W.

C. An area defined by the following coordinates shall be a nonattainment area for TSP: T12S-R6W.

D. The Ajo area shall be a Class II area for CO, NO<sub>2</sub>, and O<sub>3</sub>.

~~E. The approximate boundaries of the areas are shown in Figure 17.12.230, which is on file in the offices of the air quality control district, and encompass approximately two hundred square miles. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1985-183 (part), 1985; Ord. 1983-196 (part), 1983)~~

#### ~~17.12.240~~ 17.08.140 General county areas.

~~A. Portions of the county not otherwise designated as Class I (attainment), Class III (attainment), unclassifiable, or nonattainment areas for specific pollutants shall be Class II (attainment) areas for TSP, PM<sub>10</sub>, SO<sub>2</sub>, CO, O<sub>3</sub>, and NO<sub>2</sub>. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1983-196 (part), 1983)~~

#### 17.08.150 Limitation of pollutants in classified attainment areas

A. Areas designated as Class I, II, or III shall be limited to the increases in air pollutant concentrations shown in Table 17.08.150 occurring over the baseline concentration, provided that for any period other than an annual period,

the applicable maximum allowable increase may be exceeded once per year at any one location.

B. The baseline concentration shall be that ambient concentration level which exists in the baseline area at the time of the applicable minor source baseline date.

1. The major source baseline date is:

- a. January 6, 1975 for sulfur dioxide and particulate matter; and
- b. February 8, 1988 for nitrogen dioxide.

2. The minor source baseline date shall be the earliest date after August 7, 1977 for sulfur dioxide and particulate matter, and February 8, 1988 for nitrogen dioxide, that either:

a. A major source as defined in Chapter 17.04, Article IX, or a major modification submits a complete permit application to the Administrator under 40 CFR 52.21; or

b. A major source as defined in Chapter 17.04, Article IX, or a major modification submits a complete permit application to the control officer under Chapter 17.12, Article II.

3. A baseline concentration shall be determined for each pollutant for which there is a minor source baseline date and shall include both:

a. The actual emissions representative of sources in existence on the minor source baseline date, except as provided in paragraph 4 of this subsection; and

b. The allowable emissions of major sources as defined in Chapter 17.04, Article IX, which commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

4. The following shall not be included in the baseline concentration and shall affect the applicable maximum allowable increase:

a. Actual emissions from any major source as defined in Chapter 17.04, Article IX, on which construction commenced after the major source baseline date; and

b. Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

C. The baseline date shall be established for each pollutant for which maximum allowable increases or other equivalent measures have been established if both:

1. The area in which the proposed source or modification would construct is designated as attainment or unclassifiable for the pollutant on the date of its complete application under either subsection B.2. a or b; and

2. In the case of a major source as defined in Chapter 17.04, Article IX, the pollutant would be emitted in significant amounts, or in the case of a major modification, there would be a significant net emissions increase of the pollutant.

D. The baseline area shall be any area, within any intrastate area designated as attainment or unclassifiable, in which the major source as defined in Chapter 17.04, Article IX, or a major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than  $1 \mu\text{g}/\text{m}^3$  (annual average) of the pollutant for which the minor source baseline date is established. Area redesignations under 17.08.100 cannot intersect or be smaller than the area of impact of any new major source as defined in Chapter 17.04, Article IX, or a major modification which either:

1. Establishes a minor source baseline date; or
2. Is subject to either 40 CFR 52.21 or Chapter 17.16, Article VIII, and would be constructed in Arizona.

E. The maximum allowable concentration of any air pollutant in any area to which subsection (A) of this Section applies shall not exceed a concentration for each pollutant equal to the concentration permitted under the ambient air quality standards contained in Article I of this Chapter.

F. For purposes of determining compliance with the maximum allowable increases in ambient concentrations of an air pollutant, the following concentrations of such pollutant shall not be taken into account:

1. Concentration of such pollutant attributable to the increase in emissions from major and stationary sources which have converted from the use of petroleum products, or natural gas, or both, by reason of a natural gas curtailment order which is in effect under the provisions of Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. § 792, over the emissions from such sources before the effective date of such order;

2. The concentration of such pollutant attributable to the increase in emissions from major and stationary sources which have converted from using gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, 16 U.S.C. §§ 792 - 825r, over the emissions from such sources before the effective date of the natural gas curtailment plan;

3. Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary activities of a new or altered source;

4. The increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration; and

5. Concentrations attributable to the temporary increase in emissions of sulfur dioxide, nitrogen oxides or particulate matter from major sources as defined in Chapter 17.04, Article IX, when the following conditions are met:

- a. The permit issued to such sources specifies the time period during which the temporary emissions increase of sulfur dioxide, nitrogen oxides or particulate matter would occur. Such time period shall not be renewable and shall not exceed two years unless a longer period is specifically approved by the control officer.

- b. No emissions increase shall be approved which would either:

- (i) Impact any portion of any Class I area or any portion of any other area where an applicable incremental ambient standard is known to be violated in that portion; or

- (ii) Cause or contribute to the violation of a state ambient air quality standard.

- c. The permit issued to such sources specifies that at the end of the time period described in paragraph a of this subdivision, the emissions levels from the sources would not exceed the levels occurring before the temporary emissions increase was approved.

6. The exception granted with respect to increment consumption under subdivisions 1 and 2 of subsection F shall not apply more than five years after the effective date of the order or natural gas curtailment plan on which the exception is based.

G. If the control officer or the Administrator determines that the SIP is substantially inadequate to prevent significant deterioration or that an applicable maximum allowable increase as specified in subsection (A) of this Section is being violated, the SIP shall be revised to correct the inadequacy or the violation. The SIP shall be revised within 60 days of such a finding by the control officer or within 60 days following notification by the Administrator, or by such later date as prescribed by the Administrator after consultation with the control officer.

H. The control officer shall review the adequacy of the SIP on a periodic basis and within 60 days of such time as information becomes available that an applicable maximum allowable increase is being violated. (Ord. 1993-\_\_\_ S \_\_, 1993)

**Table 17.08.150**  
**Air Pollutant Concentration Increase Limits**

**Class I Areas**

<u>Pollutant</u>	<u>Applicable Standard</u>	<u>Maximum Allowable Increase (<math>\mu\text{g}/\text{m}^3</math>)</u>
<u>PM<sub>10</sub></u>	<u>Annual Arithmetic Mean</u>	<u>4</u>
<u>PM<sub>10</sub></u>	<u>24-hour Maximum</u>	<u>8</u>
<u>SO<sub>2</sub></u>	<u>Annual Arithmetic Mean</u>	<u>2</u>
<u>SO<sub>2</sub></u>	<u>24-hour Maximum</u>	<u>5</u>
<u>SO<sub>2</sub></u>	<u>3-hour Maximum</u>	<u>25</u>
<u>NO<sub>2</sub></u>	<u>Annual Arithmetic Mean</u>	<u>2.5</u>

**Class II Areas**

<u>Pollutant</u>	<u>Applicable Standard</u>	<u>Maximum Allowable Increase (<math>\mu\text{g}/\text{m}^3</math>)</u>
<u>PM<sub>10</sub></u>	<u>Annual Arithmetic Mean</u>	<u>17</u>
<u>PM<sub>10</sub></u>	<u>24-Hour Maximum</u>	<u>30</u>
<u>SO<sub>2</sub></u>	<u>Annual Arithmetic Mean</u>	<u>20</u>
<u>SO<sub>2</sub></u>	<u>24-Hour Maximum</u>	<u>91</u>
<u>SO<sub>2</sub></u>	<u>3-Hour Maximum</u>	<u>512</u>
<u>NO<sub>2</sub></u>	<u>Annual Arithmetic Mean</u>	<u>25</u>

**Class III Areas**

<u>Pollutant</u>	<u>Applicable Standard</u>	<u>Maximum Allowable Increase (<math>\mu\text{g}/\text{m}^3</math>)</u>
<u>PM<sub>10</sub></u>	<u>Annual Arithmetic Mean</u>	<u>34</u>
<u>PM<sub>10</sub></u>	<u>24-hour Maximum</u>	<u>60</u>
<u>SO<sub>2</sub></u>	<u>Annual Arithmetic Mean</u>	<u>40</u>
<u>SO<sub>2</sub></u>	<u>24-Hour Maximum</u>	<u>182</u>
<u>SO<sub>2</sub></u>	<u>3-Hour Maximum</u>	<u>700</u>
<u>NO<sub>2</sub></u>	<u>Annual Arithmetic Mean</u>	<u>50</u>

(Ord. 1993-      § , 1993)

Section 3. That chapter 17.12 of the Pima County Code is amended to read as follows:

## Chapter 17.12 PERMITS AND PERMIT REVISIONS

### Sections:

#### Article I. General Provisions.

- 17.12.010 Statutory authority.
- 17.12.020 Planning, constructing, or operating without a permit.
- 17.12.030 Sampling, testing, and analysis requirements.
- 17.12.040 Test methods and procedures.
- 17.12.050 Performance tests.
- 17.12.060 Existing source emission monitoring.
- 17.12.070 Quality assurance.
- 17.12.080 Permit display or posting.
- 17.12.090 General control.
- 17.12.100 Permits for state delegated emission sources.
- 17.12.110 Grant or denial of applications.
- 17.12.120 Appeals of permit actions.
- 17.12.130 Assistance to Small Business.

#### Article II. Individual Source Permits.

- 17.12.140 Applicability; classes of permits.
- 17.12.150 Transition from installation and operating permit program to unitary permit program.
- 17.12.160 Permit application processing procedures.
- 17.12.170 Public records; confidentiality.
- 17.12.180 Permit contents.
- 17.12.190 Permit review by the EPA and affected states.
- 17.12.200 Emission standards and limitations.
- 17.12.210 Compliance plan; certification.
- 17.12.230 Facility changes allowed without permit revisions.
- 17.12.240 Administrative permit amendments.
- 17.12.250 Minor permit revisions.
- 17.12.260 Significant permit revisions.
- 17.12.270 Permit reopenings; revocation and reissuance; termination.
- 17.12.280 Permit renewal and expiration.
- 17.12.290 Permit transfers.
- 17.12.300 Portable sources.
- 17.12.310 Permit shields.
- 17.12.320 Annual emissions inventory questionnaire.
- 17.12.330 Permits containing the terms and conditions of federal delayed compliance orders (DCO) or consent decrees.
- 17.12.340 Public participation.
- 17.12.350 Material permit condition.
- 17.12.360 Stack height limitation.

#### Article III. General Permits for Individual Sources.

- 17.12.370 Applicability.
- 17.12.380 General permit development.
- 17.12.390 Application for coverage under general permit.
- 17.12.400 Public notice.
- 17.12.410 General permit renewal.
- 17.12.420 Relationship to individual permits.
- 17.12.430 Non-Title V source general permit variances.
- 17.12.440 General permit shield.
- 17.12.450 General permit appeals.
- 17.12.460 Revocation of authority to operate under a general permit.

Article IV. Activity Permits.  
17.12.470 Activity permits.

Article V. Open Burning Permits.  
17.12.480 Open burning permits.  
17.12.490 Standard Permit Requirements.

Article VI. Fees.  
17.12.500 General provisions.  
17.12.510 Permit fee payments.  
17.12.520 Permit Application fees.  
17.12.530 Open Burning Permit fees.  
17.12.540 Activity Permit fees.  
17.12.550 Inspection fees.  
17.12.560 Reinspection fee.  
17.12.570 Payment of inspection fees.  
17.12.580 Emission fee.  
17.12.590 Permit transfer notice review fees.  
17.12.600 Conditional order (variance) fees.  
17.12.610 Payment of permit fees.  
17.12.620 Refund of permit fees.  
17.12.630 Fees for duplicate permits.  
17.12.640 Permit-fee studies related to inflation.  
17.12.650 Periodic review of individual fee schedules.

Article I. General Provisions.

~~17.08.010~~ 17.12.010 Statutory authority.

A. Statutory provisions relating to the control officer's jurisdiction over permit requirements and authority for permit fees are contained in the Arizona Revised Statutes, A.R.S. Sections ~~49-424,~~ 49-402 and 49-401, et seq.

B. Permits (requiring fees) shall be issued pursuant to A.R.S. Section 49-480.

C. Open burning permits (requiring fees) shall be issued pursuant to A.R.S. Section 49-501.

~~D. Permits not requiring fees shall be issued pursuant to A.R.S. Section 49-479.~~

~~E. D.~~ Issuance of an air permit shall not relieve the permittee from compliance with all local, county, state, and federal laws, statutes, and codes.

(Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1989-165 § 11, 1989; Ord. 1987-175 § 2, 1987; Ord. 1979-93 (part), 1979)

~~17.12.010~~ 17.12.020 Planning, constructing, or operating without a permit.

~~A. No person shall construct, install, erect, use, replace, modify, or operate an emission source, or enter into a binding agreement affecting the source which cannot be canceled or modified without substantial loss to the person, without obtaining a permit, unless the permit has been obtained by a second person according to the applicable permit requirements in this Code.~~

No person may commence construction, operate or make a modification to any source subject to this title without complying with the requirements of this title. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)



~~17.08.070~~ 17.12.030 Sampling, testing, and analysis requirements.

A. Prior to issuing a permit, the control officer may require the applicant to test the air for specified regulated air pollutants and/or provide an analysis showing the planned source's emissions impact on air quality, or to assess other air quality related variables in the impact area of the source as specified by the control officer.

B. Prior to issuing a permit, the control officer may require the applicant to measure the emissions from the source or the air quality in the vicinity of the source. Air Quality impact analyses shall be submitted in accordance with methodology either specified or approved by the control officer. (Ord. 1987-175 § 7, 1987; Ord. 1985-126 (part), 1985; Ord. 1979-93- (part), 1979)

17.12.040. Test methods and procedures.

A. Except as otherwise specified in this Chapter, the applicable procedures and testing methods contained in the Arizona Testing Manual; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C shall be used to determine compliance with the requirements established in this Title or contained in permits issued pursuant to this Title.

B. Except as otherwise provided in this subsection the opacity of visible emissions shall be determined by Reference Method 9 of the Arizona Testing Manual. A permit may specify a method, other than Method 9, for determining the opacity of emissions from a particular emissions unit, if the method has been promulgated by the Administrator in 40 CFR 60, Appendix A.

C. Except as otherwise specified in this Chapter, the heat content of solid fuel shall be determined according to ASTM method D-3176-89, (Practice for Ultimate Analysis of Coal and Coke) and ASTM method D-2015-91, (Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter).

D. Except for ambient air monitoring and emissions testing required under Chapter 17.16, Articles VI and VII, alternative and equivalent test methods in any test plan submitted to the control officer may be approved by the control officer for the duration of that plan provided that the following three criteria are met:

1. The alternative or equivalent test method measures the same chemical and physical characteristics as the test method it is intended to replace.

2. The alternative or equivalent test method has substantially the same or better reliability, accuracy, and precision as the test method it is intended to replace.

3. Applicable quality assurance procedures are followed in accordance with the Arizona Testing Manual, 40 CFR 60 or other methods approved by the control officer. (Ord. 1993-\_\_\_ § \_\_\_, 1993)

17.12.050 Performance tests.

A. Sources required to conduct performance tests pursuant to this Title shall do so within 60 days after the source has achieved the capability to operate at its maximum production rate on a sustained basis but no later than 180 days after initial start-up of such source and at such other times as may be required by the control officer, the owner or operator of such source shall conduct performance tests and furnish the control officer a written report of the results of the tests.

B. Performance tests shall be conducted and data reduced in accordance with the test method and procedures contained in the Arizona Testing Manual unless the control officer:

1. Specifies or approves, in specific cases, the use of a reference method with minor changes in methodology.

2. Waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the control officer's satisfaction that the source is in compliance with the standard.

3. Nothing in this Section shall be construed to abrogate the control officer's authority to require testing.

C. Performance tests shall be conducted under such conditions as the control officer shall specify to the plant operator based on representative performance of the source. The owner or operator shall make available to the control officer such records as may be necessary to determine the conditions of the performance tests. Operations during periods of start-up, shutdown, and malfunction shall not constitute representative conditions of performance tests unless otherwise specified in the applicable standard.

D. The owner or operator of a permitted source shall provide the control officer two weeks prior notice of the performance test to afford the control officer the opportunity to have an observer present.

E. The owner or operator of a permitted source shall provide, or cause to be provided, performance testing facilities as follows:

1. Sampling ports adequate for test methods applicable to such facility.
2. Safe sampling platform(s).
3. Safe access to sampling platform(s).
4. Utilities for sampling and testing equipment.

F. Each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs is required to be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the control officer's approval, be determined using the arithmetic means of the results of the two other runs. If the control officer is present, tests may only be stopped with the control officer's approval. If the control officer is not present, tests may only be stopped for good cause, which includes forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the operator's control. Termination of testing without good cause after the first run is commenced shall constitute a failure of the test.

G. Except as provided in Subsection (H), compliance with the emission limits established in this Chapter or as prescribed in permits issued pursuant to this Chapter shall be determined by the performance tests specified in this Section or in the permit.

H. In addition to performance tests specified in this Section, compliance with specific emission limits may be determined by:

1. Opacity tests.
2. Emission limit compliance tests specifically designated as such in the regulation establishing the emission limit to be complied with.
3. Continuous emission monitoring.

1. Nothing in this Section shall be so construed as to prevent the utilization of measurements from emissions monitoring devices or techniques not designated as performance tests as evidence of compliance with applicable good maintenance and operating requirements, where applicable quality assurance procedures are followed and where they are designated in the permit or in an applicable requirement to show compliance. (Ord. 1993-\_\_\_ § \_\_\_, 1993)

17.12.060 Existing source emission monitoring.

A. Every source subject to an existing source performance standard as specified in this Chapter shall install, calibrate, operate, and maintain all monitoring equipment necessary for continuously monitoring the pollutants and other gases specified in this Section for the applicable source category.

1. Applicability.

a. Fossil fuel-fired steam generators as specified in subdivision 1 of subsection C of this Section, shall be monitored for opacity, nitrogen oxides emissions, sulfur dioxide emissions, and oxygen or carbon dioxide.

b. Fluid bed catalytic cracking unit catalyst regenerators, as specified in subdivision 4 of subsection C of this Section, shall be monitored for opacity.

c. Sulfuric acid plants, as specified in subdivision 3 of subsection C of this Section, shall be monitored for sulfur dioxide emissions.

d. Nitric acid plants, as specified in subdivision 2 of subsection C of this Section, shall be monitored for nitrogen oxides emissions.

2. Exemptions.

a. Emission monitoring shall not be required when the source of emissions is not operating.

3. Variations.

a. The control officer may approve, on a case-by-case basis, alternative monitoring requirements different from the provisions of this Section if the installation of a continuous emission monitoring system cannot be implemented by a source due to physical plant limitations or extreme economic reasons. Alternative monitoring procedures shall be specified by the control officer on a case-by-case basis and shall include as a minimum, annual manual stack tests for the pollutants identified for each type of source in this Section. Examples of such special cases include, but are not limited to, the following:

b. Alternative monitoring requirements may be prescribed when installation of a continuous monitoring system or monitoring device specified by this Section would not provide accurate determinations of emissions (e.g., condensed, uncombined water vapor may prevent an accurate determination of opacity using commercially available continuous monitoring systems).

c. Alternative monitoring requirements may be prescribed when the affected facility is infrequently operated (e.g., some affected facilities may operate less than one month per year).

d. Alternative monitoring requirements may be prescribed when the control officer determines that the requirements of this Section would impose an extreme economic burden on the source owner or operator.

e. Alternative monitoring requirements may be prescribed when the control officer determines that monitoring systems prescribed by this Section cannot be installed due to physical limitations at the facility.

4. Monitoring system malfunction: A temporary exemption from the monitoring and reporting requirements of this Section may be provided during any period of monitoring system malfunction, provided that the source owner or operator shows to the satisfaction of the control officer that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

B. Installation and performance testing required under this Section shall be completed and monitoring and recording shall commence within 18 months of the effective date of this Section.

C. Minimum monitoring requirements:

1. Fossil-fuel fired steam generators: Each fossil-fuel fired steam generator, except as provided in the following paragraphs, with an annual average capacity factor of greater than 30 percent, as reported to the Federal Power Commission for calendar year 1976, or as otherwise demonstrated to the Department by the owner or operator, shall conform with the following monitoring requirements when such facility is subject to an emission standard for the pollutant in question.

a. A continuous monitoring system for the measurement of opacity which meets the performance specifications of this Section shall be installed, calibrated, maintained, and operated in accordance with the procedures of this Section by the owner or operator of any such steam generator of greater than 250 million Btu per hour heat input except where:

(i) Gaseous fuel is the only fuel burned, or

(ii) Oil or a mixture of gas and oil are the only fuels burned and the source is able to comply with the applicable particulate matter and opacity Rules without utilization of particulate matter collection equipment, and where the source has never been found to be in violation through any administrative or judicial proceedings, or accepted responsibility for any violation of any visible emission standard.

b. A continuous monitoring system for the measurement of sulfur dioxide which meets the performance specifications of this Section shall be installed, calibrated, using sulfur dioxide calibration gas mixtures or other gas mixtures approved by the control officer, maintained and operated on any fossil-fuel fired steam generator of greater than 250 million Btu per hour heat input which has installed sulfur dioxide pollutant control equipment.

c. A continuous monitoring system for the measurement of nitrogen oxides which meets the performance specification of this Section shall be installed, calibrated, using nitric oxide calibration gas mixtures or other gas mixtures approved by the control officer, maintained and operated on fossil-fuel fired steam generators of greater than 1000 million Btu per hour heat input when such facility is located in an air quality control region where the control officer has specifically determined that a control strategy for nitrogen dioxide is necessary to attain the ambient air quality standard specified in 17.08.060, unless the source owner or operator demonstrates during source compliance tests as required by the Department that such a source emits nitrogen oxides at levels 30 percent or more below the emission standard within this Chapter.

d. A continuous monitoring system for the measurement of the percent oxygen or carbon dioxide which meets the performance specifications of this Section shall be installed, calibrated, operated, and maintained on fossil-fuel fired steam generators where measurements of oxygen or carbon dioxide in the flue gas are required to convert either sulfur dioxide or nitrogen oxides continuous emission monitoring data, or both, to units of the emission standard within this Chapter.

2. Nitric acid plants: Each nitric acid plant of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid located in an air quality control region where the control officer has specifically determined that a control strategy for nitrogen dioxide is

necessary to attain the ambient air quality standard specified in Chapter 17.08, Article I, shall install, calibrate, using nitrogen dioxide calibration gas mixtures, maintain, and operate a continuous monitoring system for the measurement of nitrogen oxides which meets the performance specifications of this Section for each nitric acid producing facility within such plant.

3. Sulfuric acid plants: Each sulfuric acid plant as defined in Chapter 17.04, Article IX, of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall install, calibrate, using sulfur dioxide calibration gas mixtures or other gas mixtures approved by the control officer, maintain and operate a continuous monitoring system for the measurement of sulfur dioxide which meets the performance specifications of this Section for each sulfuric acid producing facility within such a plant.

4. Fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries: Each catalyst regenerator for fluid bed catalytic cracking units of greater than 20,000 barrels per day fresh feed capacity shall install, calibrate, maintain and operate a continuous monitoring system for the measurement of opacity which meets the performance specifications of this Section for each regenerator within such refinery.

D. Minimum specifications: Owners or operators of monitoring equipment installed to comply with this Section shall demonstrate compliance with the following performance specifications.

1. The performance specifications set forth in Appendix B of 40 CFR 60 are incorporated herein by reference, and shall be used by the control officer to determine acceptability of monitoring equipment installed pursuant to this Section. However where reference is made to the Administrator in Appendix B of 40 CFR 60, the control officer may allow the use of either the state approved reference method or the federally approved reference method as published in 40 CFR 60. The performance specifications to be used with each type of monitoring system are listed below.

a. Continuous monitoring systems for measuring opacity shall comply with performance specification 1.

b. Continuous monitoring systems for measuring nitrogen oxides shall comply with performance specification 2.

c. Continuous monitoring systems for measuring sulfur dioxide shall comply with performance specification 2.

d. Continuous monitoring systems for measuring oxygen shall comply with performance specification 3.

e. Continuous monitoring systems for measuring carbon dioxide shall comply with performance specification 3.

2. Calibration gases: Span and zero gases should be traceable to National Bureau of Standards reference gases whenever these reference gases are available. Every six months from date of manufacture, span and zero gases shall be reanalyzed by conducting triplicate analyses using the reference methods in Appendix A, Part 60, (Chapter 1, Title 40, CFR as amended: For sulfur dioxide, use Reference Method 6; for nitrogen oxides, use Reference method 7; and for carbon dioxide or oxygen, use Reference Method 3. The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.

3. Cycling time: Time includes the total time required to sample, analyze and record an emission measurement.

a. Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of sampling and analyzing for each successive six-minute period.

b. Continuous monitoring systems for measuring oxides of nitrogen, carbon dioxide, oxygen, or sulfur dioxide shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

4. Monitor location: All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions of process parameter (i.e., oxygen, or carbon dioxide) from the affected facility are obtained. Additional guidance for location of continuous monitoring systems to obtain representative samples are contained in the applicable performance specifications of Appendix B of 40 CFR 60.

5. Combined effluents: When the effluents from two or more affected facilities of similar design and operating characteristics are combined before being released to the atmosphere through more than one point, separate monitors shall be installed.

6. Zero and drift: Owners or operators of all continuous monitoring systems installed in accordance with the requirements of this Section shall record the zero and span drift in accordance with the method prescribed by the manufacturer's recommended zero and span check at least once daily, using calibration gases specified in subsection C as applicable, unless the manufacturer has recommended adjustments at shorter intervals, in which case such recommendations shall be followed; shall adjust the zero span whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in Appendix B of Part 60, Chapter 1, Title 40 CFR are exceeded; and shall adjust continuous monitoring systems referenced by P.1. of this Section whenever the 24-hour zero drift or 24-hour calibration drift exceed 10 percent of the emission standard.

7. Span: Instrument span should be approximately 200 percent of the expected instrument data display output corresponding to the emission standard for the source.

E. Minimum data requirement.

The following paragraphs set forth the minimum data reporting requirements for sources employing continuous monitoring equipment as specified in this Section. These periodic reports do not relieve the source operator from the reporting requirements of 17.12.220.

1. The owners or operators of facilities required to install continuous monitoring systems shall submit to the control officer a written report of excess emissions for each calendar quarter and the nature and cause of the excess emissions, if known. The averaging period used for data reporting shall correspond to the averaging period specified in the emission standard for the pollutant source category in question. The required report shall include, as a minimum, the data stipulated in this subsection.

2. For opacity measurements, the summary shall consist of the magnitude in actual percent opacity of all six-minute opacity averages greater than any applicable standards for each hour of operation of the facility. Average values may be obtained by integration over the averaging period or by arithmetically averaging a minimum of four equally spaced, instantaneous opacity measurements per minute. Any time periods exempted shall be deleted before determining any averages in excess of opacity standards.

3. For gaseous measurements the summary shall consist of emission averages in the units of the applicable standard for each averaging period during which the applicable standard was exceeded.

4. The date and time identifying each period during which the continuous monitoring system was inoperative, except for zero and span checks and the nature of system repair or adjustment shall be reported. The control officer may require proof of continuous monitoring system performance whenever system repairs or adjustments have been made.

5. When no excess emissions have occurred and the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be included in the report.

6. Owners or operators of affected facilities shall maintain a file of all information reported in the quarterly summaries, and all other data collected either by the continuous monitoring system or as necessary to convert monitoring data to the units of the applicable standard for a minimum of two years from the date of collection of such data or submission of such summaries.

F. Data reduction: Owners or operators of affected facilities shall use the following procedures for converting monitoring data to units of the standard where necessary.

1. For fossil-fuel fired steam generators the following procedures shall be used to convert gaseous emission monitoring data in parts per million to g/million cal (lb/million Btu) where necessary.

a. When the owner or operator of a fossil-fuel fired steam generator elects under paragraph d of subdivision 1 of subsection C of this section to measure oxygen in the flue gases, the measurements of the pollutant concentration and oxygen concentration shall each be on a consistent basis (wet or dry).

(i) When measurements are on a wet basis, except where wet scrubbers are employed or where moisture is otherwise added to stack gases, the following conversion procedure shall be used:

$$E_D = C_{ws} F \frac{20.9}{20.9(1-B_{ws}) - \%O_{2ws}}$$

(ii) When measurements are on a wet basis and the water vapor content of the stack gas is determined at least once every fifteen minutes the following conversion procedure shall be used:

$$E_D = C_{ws} F \frac{20.9}{20.9(1-B_{ws}) - \%O_{2ws}}$$

Note: This equation is approved in principle. Approval for actual practice is contingent upon demonstrating the ability to accurately determine B(ws) such that any absolute error in B(ws) will not cause an error of more than  $\pm 1.5$  percent in the term.

$$\frac{20.9}{20.9(1-B_{ws}) - \%O_{2ws}}$$

(iii) When measurements are on a dry basis, the following conversion procedure shall be used:

$$E_D = CF \frac{20.9}{20.9 - \%O_{2ws}}$$

b. When the owner or operator elects under C.1.d. of this Section to measure carbon dioxide in the flue gases, the measurement of the pollutant concentration and the carbon dioxide concentration shall each be on a consistent basis (wet or dry) and the following conversion procedure used:

$$E_p = CF_c \frac{100}{\%CO_2}$$

C. The values used in the equations under F.1. above are derived as follows:

$E_p$  = pollutant emission, g/million cal (lb/million Btu)

$C$  = pollutant concentration, g/dscm (lb/dscf), determined by multiplying the average concentration (ppm) for each hourly period by  $4.16 \times 10^{-5}$  M g/dscm per ppm ( $2.64 \times 10^{-9}$  M lb/dscf per ppm) where  $M$  = pollutant molecular weight, g/g-mole (lb/lb-mole),  $M$  = 64 for sulfur dioxide and 46 for oxides of nitrogen.

$C_m$  = pollutant concentrations at stack conditions, g/wscm (lb/wscf), determined by multiplying the average concentration (ppm) for each one-hour period by  $4.15 \times 10^{-5}$  M lb/wscf per ppm ( $2.59 \times 10^{-5}$  M lb/wscf per ppm) where  $M$  = pollutant molecular weight, g/g mole (lb/lb mole),  $M$  = 64 for sulfur dioxide and 46 for nitrogen oxides.

$\%O_2$ ,  $\%CO_2$  = Oxygen or carbon dioxide volume (expressed as percent) determined with equipment specified under D.1.d. of this Section.

$F$ ,  $F_c$  = A factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted ( $F$ ), a factor representing a ratio of the volume of carbon dioxide generated to the calorific value of the fuel combusted ( $F_c$ ), respectively. Values of  $F$  and  $F_c$  are given in § 60.45(f) of Part 60, Chapter 1, Title 40, Code of Federal Regulations.

$F_w$  = A factor representing a ratio of the volume of wet flue gases generated to the caloric value of the fuel combusted. Values of  $F_w$  are given in Reference Method 19 of the Arizona Testing Manual.

$B_m$  = Proportion by volume of water vapor in the ambient air. Approval may be given for determination of  $B_m$  by on-site instrumental measurement provided that the absolute accuracy of the measurement technique can be demonstrated to be within  $\pm 0.7$  percent water vapor. Estimation methods for  $B_m$  are given in Reference Method 19 of the Arizona Testing Manual.

$B_s$  = Proportion by volume of water vapor in the stack gas.

2. For sulfuric acid plants as defined in Chapter 17.04, Article IX, the owner or operator shall:

a. Establish a conversion factor three times daily according to the procedures of § 60.84(b) of Chapter 1, Title 40, Code of Federal Regulations;

b. Multiply the conversion factor by the average sulfur dioxide concentration in the flue gases to obtain average sulfur dioxide emissions in Kg/metric ton (lb/short ton); and

c. Report the average sulfur dioxide emission for each averaging period in excess of the applicable emission standard in the quarterly summary.

3. For nitric acid plants the owner or operator shall:

a. Establish a conversion factor according to the procedures of § 60.73(b) of Chapter 1, Title 40, Code of Federal Regulations;

b. Multiply the conversion factor by the average nitrogen oxides concentration in the flue gases to obtain the nitrogen oxides emissions in the units of the applicable standard;



c. Report the average nitrogen oxides emission for each averaging period in excess of applicable emission standard in the quarterly summary.

4. The control officer may allow data reporting or reduction procedures varying from those set forth in this Section if the owner or operator of a source shows to the satisfaction of the control officer that his procedures are at least as accurate as those in this Section. Such procedures may include but are not limited to the following:

a. Alternative procedures for computing emission averages that do not require integration of data (e.g., some facilities may demonstrate that the variability of their emissions is sufficiently small to allow accurate reduction of data based upon computing averages from equally spaced data points over the averaging period).

b. Alternative methods of converting pollutant concentration measurements to the units of the emission standards.  
(Ord. 1993-\_\_\_ § \_\_, 1993)

17.12.070 Quality assurance.

Facilities subject to permit requirements for sampling, testing, or analysis, or as otherwise required by the control officer, shall submit a quality assurance plan to the control officer that meets the requirements of 17.12.040. Facilities subject to the requirements of 17.12.060 shall submit a quality assurance plan as specified in the permit. (Ord. 1993-\_\_\_ § \_\_, 1993)

~~17.08.120~~ 17.12.080 Permit display or posting.

A person who has been granted a permit shall firmly affix such permit, or a facsimile of such permit, upon such machine, equipment, incinerator, device or other article for which the permit is issued in such a manner as to be clearly visible and accessible. In the event that such machine, equipment, incinerator, device or other article is so constructed or operated that such permit cannot be so placed, the permit shall be mounted so as to be clearly visible in an accessible place within a reasonable distance of such machine, equipment, incinerator, device or other article, or maintained readily available at all times on the operating premises. (Ord. 1989-165 § 15, 1989: Ord. 1979-93 (part), 1979)

~~17.08.110~~ 17.12.090 General control.

A. The control officer may specify on each permit conditions which in his judgment are necessary to assure adequate control and monitoring of emissions for the expected lifetime of the source. Adequate control shall mean only those controls (e.g., devices, mechanisms, operation practices, times of operation, monitoring of process variables, or emission rates) which when installed, conducted, applied, and operated properly are necessary for the source to comply with all applicable control standards.

B. The granting of a permit shall not exempt the permittee from any other applicable provision of either this Title or of any other part of the Code.  
(Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1987-175 § 9, 1987: Ord. 1979-93 (part), 1979)

~~17.08.160~~ 17.12.100 Permits for state delegated emission sources.

A. If the Director of the Arizona Department of Environmental Quality delegates to the control officer jurisdiction over an emission source, all requirements and conditions for permits contained herein shall apply to the delegated source.

B. Additional requirements for delegated emission sources shall be as follows:

~~1. An equipment operating permit may be issued by the control officer to operate mobile or portable at more than one location in the county; and~~

1. A permit may be issued by the control officer to operate portable equipment at more than one location in the county; and

2. Owners or operators holding permits for portable equipment shall notify the control officer of any change of operating location. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1989-165 § 16, 1989; Ord. 1979-93 (part), 1979)

~~17.080.180~~ 17.12.110 Notification of Grant or denial of applications.

~~A. When the control officer denies a permit, he shall notify the applicant in writing of the reason for denial.~~

~~B. This notification shall be served in person or by certified mail, and such service may be proved by the written acknowledgment of the person served, or affidavit of the person making the service.~~

A. The control officer shall deny a permit or revision if the applicant does not show that every such source is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of this Title, Title 49, Chapter 3, Article 3, Arizona Revised Statutes, and the rules adopted by the director.

B. Prior to acting on an application for a permit, the control officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the source described in the application. In the event of such a requirement, the control officer shall notify the applicant in writing of the type and characteristics of such facilities.

C. In acting upon an application for a permit renewal, if the control officer finds that such source has been constructed not in accordance with any prior permit or revision issued pursuant to A.R.S. 49-480.01, He shall require the person to obtain a permit revision or deny the application for such permit. The control officer shall not accept any further application for a permit for such source so constructed until he finds that such source has been reconstructed in accordance with the prior permit or a revision, or a revision to the permit has been obtained.

D. After a decision on a permit or revision, the control officer shall notify the applicant and any person who filed a comment on the permit pursuant to A.R.S. 49-480 or the revision pursuant to A.R.S. 49-480.01 in writing of the decision, and if the permit is denied, the reasons for such denial. Service of this notification may be made in person or by first class mail. The control officer shall not accept a further application unless the applicant has corrected the reasons for the objections specified by the control officer as reasons for such denial.

E. The control officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

17.12.120 Appeals of permit actions.

A. Within thirty days after the control officer gives notice of approval, denial or revocation of a permit, the applicant or any person who submitted comments pursuant to A.R.S. 49-480, may request an appeal as provided under

A.R.S. 49-482. The decision after that hearing constitutes the final permit action from which judicial review may be taken pursuant to Chapter 17.28.

B. Any person who has an interest that is, or may be adversely affected may commence a civil action in superior court against the control officer alleging that the control officer has failed to act in a timely manner consistent with the requirements of A.R.S. 49-480. No action may be commenced before sixty days after the plaintiff has given notice to the control officer of the plaintiff's intent to file. The court has jurisdiction to require the control officer to act without additional delay. (Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.12.130 Assistance to Small Business.

The control officer shall appoint one or more representatives to provide small business stationary source technical and compliance assistance, consistent with the requirements of the Act and the State Implementation Plan. Assistance may include, but is not limited to, advice regarding the permit application process, emissions inventory requirements, and compliance and control technology standards. (Ord. 1993-\_\_\_ § \_\_, 1993)

### Article II. Individual Source Permits.

#### 17.12.140 Applicability: classes of permits.

A. Except as provided in 17.12.150, no person shall commence construction of, operate, or make a modification to any source subject to regulation under this Article, without first obtaining a permit or permit revision from the control officer.

B. There shall be two classes of permits as follows:

1. A Class I permit shall be required for a person to commence construction of or operate any of the following:

a. Any major source.

b. Solid waste incineration units required to obtain a permit pursuant to section 129 (e) of the Act (Solid Waste Combustion).

c. An affected source.

d. Any source in a source category designated by the Administrator and adopted by the control officer.

2. Unless a Class I permit is required, a Class II permit shall be required for:

a. A person to commence construction of or modify either of the following:

(i) A source that emits, or has the potential to emit, with controls ten (10) tons per year or more of any hazardous air pollutant or twenty-five (25) tons per year of any combination of hazardous air pollutants.

(ii) A source that is within a category designated pursuant to A.R.S. 49-426.05 and that emits, or has the potential to emit, with controls one (1) ton per year or more of a hazardous air pollutant or two and one-half (2 1/2) tons per year of any combination of hazardous air pollutants.

b. A person to commence construction of or operate any of the following:

(i) any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources).

(ii) any source, including an area source, subject to a standard or other requirement under section 112 of the Act (Hazardous Air Pollutants), except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the Act (Hazardous Air Pollutants).

(iii) any source that emits or has the potential to emit, without controls, regulated air pollutants not defined as de minimis in 17.04.340 or otherwise exempted herein.

C. A person to make a modification to a source which would cause it to emit, or have the potential to emit, quantities of regulated air pollutants greater than those specified in 17.12.140.B.2. a.(i), a.(ii) or b.(iii).

C. Notwithstanding subsections A and B of this Section, the following sources shall not require a permit unless the source is a major source, or unless operation without a permit would result in a violation of the Act:

1. Sources subject to 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.

2. Sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR 61.145.

3. Agricultural equipment used in normal farm operations. "Agricultural equipment used in normal farm operations" does not include equipment that would be classified as a source that would require a permit under Title V of the Act (Permits), or would be subject to a standard under 40 CFR parts 60 or 61.

17.12.150 Transition from installation and operating permit program to unitary permit program.

A. An installation or operating permit issued by the control officer before the effective date of this title, and the authority to operate as provided in Laws 1992, Chapter 299, Section 65, continues in effect until either of the following occurs:

1. The installation or operating permit is terminated by the control officer;

2. The control officer issues or denies a Class I or Class II permit to the source.

B. Unless otherwise required by 17.12.160.C.3. of this Chapter, all sources holding valid installation or operating permits issued by the control officer and that are in existence on the date these rules become effective and requiring Class I permits or Class II permits which are subject to the requirements of Title V of the Act (Permits), shall submit permit applications within 120 days of receipt of written notice from the control officer that an application is required, but in no case may the application be submitted any later than 12 months after the source becomes subject to obtaining Title V permits pursuant to this Title.

C. All sources that are in existence on the date these rules become effective holding valid installation or operating permits issued by the control officer and requiring Class II permits that are not subject to the requirements of Title V of the Act (Permits), shall submit permit applications to the control officer within 120 days of receipt of written notice from the control officer that an application is required.

D. Any source requiring a class I or class II operating permit in existence on the date these rules become effective that holds a valid installation or operating permits issued by the control officer, which has not yet applied for a Class I or II permit pursuant to this Title or which has not yet received a notice from the control officer stating that an application is required, that wishes to make any modification, administrative permit revision or minor permit revision shall be required to apply for the applicable Class I or Class II permit for the entire source within 120 days after applying for the proposed modification or revision. If the source has received a notice from the control officer stating that a Class I or II permit application is required, the source shall comply with the application due date for the entire facility as required by the notice. The control officer shall review the applications for both the modification or revision and the Class I or Class II permit in accordance with the provisions of this Title. In the case of a minor permit revision, the source may commence the proposed change immediately after filing the application pursuant to subsection F or section 17.12.250.

E. Any source in existence on the date these rules become effective holding valid installation or operating permits issued by the control officer, which have not yet applied for a Class I or Class II permit, that wishes to make a significant permit revision shall be required to apply for the applicable Class I or Class II permit for the entire source including the proposed modification. The control officer shall review the application in accordance with the provisions of this title.

F. For sources in existence on the date these rules become effective holding valid installation or operating permits issued by the control officer, the control officer may establish a phased schedule for acting on permit applications received within the first full year after the source becomes subject to obtaining Class I or II permits under this Title. The schedule shall assure that at least one-third of such applications will be acted on annually over a period not to exceed 3 years after such effective date. Based on this schedule the control officer shall approve or disapprove a completed application for a Class I or II permit consistent with the procedures established under this Chapter, and issue or deny the applicable permit within 18 months after the receipt of the application.

G. Sources in existence on the date these rules become effective not holding valid operating or installation permits, and have not applied for a Class I or II permit pursuant to this Title, shall submit applications for the applicable Class I or II permit to the control officer within the following time frames:

1. For sources requiring Class I or II permits subject to the provisions of Title V of the Act (Permits), within 120 days of receipt of written notice from the control officer that an application is required, but in no case any later than 12 months after the source becomes subject to obtaining Title V permits pursuant to this Title;

2. For sources requiring Class II permits not subject to the provisions of Title V of the Act (Permits), within 120 days of receipt of written notice from the control officer that an application is required.

3. For purposes of this subsection written notice shall include, but not be limited to, a written warning, notice of violation, or order issued by the control officer for constructing or operating an emission source without a permit. Such a source shall be considered to be in violation of this Title on each day of operation or each day during which construction continues, until a permit is granted.

H. Sources not in existence prior to the effective date of this Title shall first obtain the applicable Class I or II permit before commencing construction of the source.

I. Any application for an operating permit or an installation permit that is determined to be complete prior to the effective date of these rules but for which no permit has been issued shall be considered complete for the purposes of

this Section. In issuing a permit pursuant to such an application, the control officer shall include in the permit all elements addressed in the application and a schedule of compliance for submitting an application for a permit revision to address the elements required to be in the permit that were not included in the operating permit or installation permit application. No later than 6 months after the effective date of these rules, the control officer shall take final action on an operating permit application or an installation permit application determined to be complete prior to the effective date of these rules. (Ord. 1993-\_\_\_ § \_\_\_, 1993)

17.12.160 Permit application processing procedures.

A. Unless otherwise noted, this Section applies to each source requiring a Class I or II permit or permit revision.

B. Standard Application Form and Required Information. To apply for any permit in this Chapter, applicants shall complete the "Standard Permit Application Form" and supply all information required by the "Filing Instructions" as shown in Title 18, Chapter 2, Appendix 1 of the A.A.C. The control officer may waive a requirement that specific information or data be submitted in the application for a Class II, non-title V permit if the control officer determines that the submission of data would be unnecessary or unreasonable for a particular source or category of sources.

C. Unless otherwise required by 17.12.150.B. through F., a timely application is:

1. For a source, other than a major source, applying for a permit for the first time, one that is submitted within 12 months after the source becomes subject to the permit program.

2. For purposes of permit renewal, a timely application is one that is submitted at least 6 months, but not greater than 18 months prior to the date of permit expiration.

3. For initial phase II acid rain permits or the acid rain portion of a Title V permit, one that is submitted to the control officer by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.

4. Any existing source which becomes subject to a standard promulgated by the Administrator pursuant to section 112(d) of the Act (Hazardous Air Pollutants) shall, within twelve months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.

D. If an applicable implementation plan allows the determination of an alternate emission limit, a source may, in its application, propose an emission limit that is equivalent to the emission limit otherwise applicable to the source under the applicable implementation plan. The source shall also demonstrate that the equivalent limit is quantifiable, accountable, enforceable and subject to replicable compliance determination procedures.

E. A complete application is one that satisfies all of the following:

1. To be complete, an application shall provide all information required pursuant to subsection B. of this Section (standard application form section), except that applications for permit revision need supply such information only if it is related to the proposed change. A responsible official shall certify the submitted information consistent with subsection H. of this section (section on certification of truth, accuracy, and completeness).

2. An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Chapter 17.16, Article VIII. If the applicant determines that the proposed new source is a major source as defined in Chapter 17.04, Article IX, or the proposed permit revision

constitutes a major modification as defined in Chapter 17.04, Article IX, then the application shall comply with all applicable requirements of Chapter 17.16, Article VIII.

3. An application for a new permit or a permit revision shall contain an assessment of the applicability of the requirements established pursuant to A.R.S. 49-426.03 and 426.06. If the applicant determines that the proposed new source permit or permit revision is subject to the requirements of A.R.S. 49-426.03 or 49-426.06, the application shall comply with all applicable requirements promulgated under those sections.

4. For existing sources for which the control officer has developed a phased application review schedule pursuant to 17.12.150.G. of this Chapter, an application for a new permit, a permit revision, or a permit renewal shall be deemed to be complete unless the control officer notifies the applicant by certified mail that the application is not complete within 60 days of receipt of the application.

5. If, while processing an application that has been determined or deemed to be complete, the control officer determines that additional information is necessary to evaluate or take final action on that application, the control officer may request such information in writing, delivered by certified mail and set a reasonable deadline for a response. Except for minor permit revisions as set forth in 17.12.250, a source's ability to operate without a permit, as set forth in this Article, shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the control officer. If the control officer notifies an applicant that the application is not complete under subdivision 3 above, the application may not be deemed automatically complete until an additional 60 days after the next submittal by the applicant. The control officer may, after one submittal by the applicant pursuant to this subdivision, reject an application that is determined to be still incomplete and shall notify the applicant of the decision by certified mail.

6. The completeness determination shall not apply to revisions processed through the minor permit revision process.

7. Emission units which do not aggregate to emit more than 2.4 lbs. per day of VOC during any day or 5.5 lbs. per day of any other regulated air pollutants during any day shall be listed in the application, however the applications need not provide detailed information or data regarding these insignificant emission units.

8. If a permit applicant requests terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements, the permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable.

F. A source that has submitted information with an application under a claim of confidentiality pursuant to A.R.S. § 49-432 and 17.12.170 shall submit a copy of such information directly to the Administrator.

G. Duty to Supplement or Correct Application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.

H. Certification of Truth, Accuracy, and Completeness. Any application form, report, or compliance certification submitted pursuant to this Title shall

contain certification by a responsible official of truth accuracy, and completeness. This certification and any other certification required under this Chapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

I. Action on Application.

1. The control officer shall issue or deny each permit according to the provisions of A.R.S. 49-481. The control officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.

2. In addition, a permit may be issued, revised, or renewed only if all of the following conditions have been met:

a. The application received by the control officer for a permit, permit revision, or permit renewal shall be complete according to subsection E of this Section.

b. Except for revisions qualifying as administrative or minor under 17.12.240 and 17.12.250, all of the requirements for public notice and participation under 17.12.340 shall have been met.

c. For Title V permits, the control officer shall have complied with the requirements of 17.12.190 for notifying and responding to affected States, and if applicable, other notification requirements of 17.16.550.D.2, and 17.16.630.C.2.

d. For Class I and II permits, the conditions of the permit shall require compliance with all applicable requirements.

e. For permits for which an application is required to be submitted to the Administrator under 17.12.190.A and to which the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from PDEQ, the control officer has revised and submitted a proposed final permit in response to the objection and EPA has not objected to this proposed final permit.

f. For permits to which the Administrator has objected to issuance pursuant to a petition filed under 40 CFR 70.8(d), the administrator's objection has been resolved.

3. The control officer may issue a notice of termination of a permit issued pursuant to this Chapter if:

a. The control officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.

b. The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.

c. The terms and conditions of the permit have been or are being violated.

4. If the control officer issues a notice of denial or termination of a permit under this Section, the notice shall be served on the applicant or permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the denial or revocation and a statement that the permit applicant or permittee is entitled to a hearing.

5. The control officer shall provide a statement that sets forth the legal and factual basis for the proposed permit conditions including references to the applicable statutory or regulatory provisions. The control officer shall



send this statement to the Administrator in the case of Title V permits, and to any other person who requests it.

6. Except as provided in 40 CFR 70.4(b)(11), 17.12.150 and 17.16.550, regulations promulgated under Title IV or V of the Act (Acid Deposition Control or Permits), or the permitting of affected sources under the acid rain program, the control officer shall take final action on each permit application (and request for revision or renewal) within 18 months after receiving a complete application.

7. Priority shall be given by the control officer to taking action on applications for construction or modification submitted pursuant to Title I, Parts C and D of the Act (Prevention of Significant Deterioration and Nonattainment Areas).

8. A proposed permit decision shall be published within 9 months of receipt of a complete application and any additional information requested pursuant to subsection (E)(3) of this Section to process the application. The control officer shall provide notice of the decision as provided in 17.12.340 and any public hearing shall be scheduled as expeditiously as possible.

J. Requirement for a Permit. Except as noted under the provisions in 17.12.230 and 17.12.250, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a properly issued permit. However, if a source submits a timely and complete application for permit issuance, revision or renewal, the source's failure to have a permit is not a violation of this Article until the control officer takes final action on the application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the control officer, any additional information identified as being needed to process the application. (Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.12.170 Public records; confidentiality.

A. The control officer shall make all permits, including all elements required to be in the permit pursuant to 17.12.180, available to the public. No permit shall be issued unless the information required by 17.12.180 is present in the permit.

B. A notice of confidentiality pursuant to A.R.S. 49-432(C) shall:

1. Precisely identify the information in the application documents which is considered confidential.

2. Contain sufficient supporting information to allow the control officer to evaluate whether such information satisfies the requirements related to trade secrets and, if applicable, how the information, if disclosed, is likely to cause substantial harm to the person's competitive position.

C. Within 30 days of receipt of a notice of confidentiality that complies with subsection B. above, the control officer shall make a determination as to whether the information satisfies the requirements for trade secret or competitive position pursuant to A.R.S. 49-432(C)(1) and so notify the applicant in writing. If the control officer agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the control officer shall include a notice in the administrative record of the permit application that certain information has been considered confidential. (Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.12.180 Permit contents.

A. Each permit issued shall include the following elements:

1. The date of issuance and the permit term.

send this statement to the Administrator in the case of Title V permits, and to any other person who requests it.

6. Except as provided in 40 CFR 70.4(b)(11), 17.12.150 and 17.16.550, regulations promulgated under Title IV or V of the Act (Acid Deposition Control or Permits), or the permitting of affected sources under the acid rain program, the control officer shall take final action on each permit application (and request for revision or renewal) within 18 months after receiving a complete application.

7. Priority shall be given by the control officer to taking action on applications for construction or modification submitted pursuant to Title I, Parts C and D of the Act (Prevention of Significant Deterioration and Nonattainment Areas).

8. A proposed permit decision shall be published within 9 months of receipt of a complete application and any additional information requested pursuant to subsection (E)(3) of this Section to process the application. The control officer shall provide notice of the decision as provided in 17.12.340 and any public hearing shall be scheduled as expeditiously as possible.

J. Requirement for a Permit. Except as noted under the provisions in 17.12.230 and 17.12.250, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a properly issued permit. However, if a source submits a timely and complete application for permit issuance, revision or renewal, the source's failure to have a permit is not a violation of this Article until the control officer takes final action on the application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the control officer, any additional information identified as being needed to process the application. (Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.12.170 Public records; confidentiality.

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1. Precisely identify the information in the application documents which is considered confidential.

2. Contain sufficient supporting information to allow the control officer to evaluate whether such information satisfies the requirements related to trade secrets and, if applicable, how the information, if disclosed, is likely to cause substantial harm to the person's competitive position.

C. Within 30 days of receipt of a notice of confidentiality that complies with subsection B. above, the control officer shall make a determination as to whether the information satisfies the requirements for trade secret or competitive position pursuant to A.R.S. 49-432(C)(1) and so notify the applicant in writing. If the control officer agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the control officer shall include a notice in the administrative record of the permit application that certain information has been considered confidential. (Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.12.180 Permit contents.

A. Each permit issued shall include the following elements:

1. The date of issuance and the permit term.

b. Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

5. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

a. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with 17.12.160.H and 17.12.210.A.5.

b. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The control officer shall define "prompt" in relation to the degree and type of deviation likely to occur and the applicable requirements.

6. A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act (Acid Deposition Control) or the regulations promulgated thereunder.

a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.

b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to non-compliance with any other applicable requirement.

c. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Act (Acid Deposition Control).

d. Any permit issued pursuant to the requirements of this Chapter and Title V of the Act (Permits) to a unit subject to the provisions of Title IV of the Act (Acid Deposition Control) shall include conditions prohibiting all of the following:

(i) Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide held by the owners or operators of the unit or the designated representative of the owners or operators.

(ii) Exceedances of applicable emission rates.

(iii) The use of any allowance prior to the year for which it was allocated.

(iv) Contravention of any other provision of the permit.

7. A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.

8. Provisions stating the following:

a. The permittee shall comply with all conditions of the permit. The permit shall contain all applicable requirements of federal and Arizona air quality statutes, and federal, state and Pima County air quality rules. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

b. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

c. The permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

d. The permit does not convey any property rights of any sort, or any exclusive privilege.

e. The permittee shall furnish to the control officer, within a reasonable time, any information that the control officer may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the control officer copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee shall furnish such records directly to the Administrator along with a claim of confidentiality.

9. A provision to ensure that the source pays fees to the control officer pursuant to A.R.S. 49-426.E and Article VI of this chapter.

10. A provision stating that no permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit. This provision shall not apply to emissions trading between sources as provided in the applicable implementation plan.

11. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the control officer. Such terms and conditions:

a. Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;

b. Shall extend the permit shield described in 17.12.310 to all terms and conditions under each such operating scenario; and

c. Shall ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this Chapter.

12. Terms and conditions, if the permit applicant requests them, as approved by the control officer, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

a. Shall include all terms required under subsections A and C of this section to determine compliance;

b. May extend the permit shield described in subsection D of this section to all terms and conditions that allow such increases and decreases in emissions; and

c. Shall meet all applicable requirements and requirements of this Chapter.

13. Terms and conditions, if the permit applicant requests them and they are approved by the control officer, setting forth intermittent operating scenarios including potential periods of downtime. If such terms and conditions

are included, the state's emissions inventory shall not reflect the zero emissions associated with the periods of downtime.

14. If a permit applicant requests it, the control officer shall issue permits that contain terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The control officer shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements.

B. Federally-enforceable Requirements

1. All terms and conditions in a Title V permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Act.

2. Notwithstanding subsection B.1 of this section, the control officer shall specifically designate as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or under any of its applicable requirements.

C. All permits shall contain a compliance plan that meets the requirements of 17.12.210.

D. Each permit shall include the applicable permit shield provisions set forth in 17.12.310.

E. Emergency provision for excess emissions

1. For all permits that specify emission limitations, emissions in excess of the limitation contained in the terms of the permit shall constitute a violation.

2. An emergency constitutes an affirmative defense to an action brought for noncompliance of the emission limitations if the conditions of subdivision 3 of this subsection are met.

3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

b. The permitted facility was at the time being properly operated;

c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and

d. The permittee submitted notice of the emergency to the control officer by certified mail or hand delivery within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of paragraph A.5.b of this section. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.

4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

F. A class I permit issued to a major source shall require that reopenings be made pursuant to 17.12.270 to incorporate additional applicable requirements adopted by the Administrator pursuant to the Act that become applicable to a source with a permit with a remaining permit term of three or more years. No reopening shall be required if the effective date of the applicable requirement is after the expiration of the permit. The reopenings shall be made as expeditiously as practicable, but not later than eighteen months after the promulgation of such standards and regulations. Any permit reopening required pursuant to this section shall comply with provisions in 17.12.280 for permit renewal and shall reset the five year permit term. (Ord. 1993-\_\_\_ § \_\_, 1993)

17.12.190 Permit review by the EPA and affected states.

A. Except as provided in 17.12.160.F and as waived by the Administrator, for each Title V permit, a copy of each of the following shall be provided to the Administrator as follows:

1. The applicant shall provide a complete copy of the application including any attachments, compliance plans and other information required by 17.12.160.E at the time of submittal of the application to the control officer.

2. The control officer shall provide the proposed final permit after public and affected state review.

3. The control officer shall provide the final permit at the time of issuance.

B. The control officer may require the application information to be submitted in a computer-readable format compatible with the Administrator's national database management system.

C. The control officer shall keep all records associated with all permits for a minimum of five years from issuance.

D. No permit for which an application is required to be submitted to the Administrator under subsection A of this Section shall be issued if the Administrator properly objects to its issuance in writing within 45 days of receipt of the proposed permit from the Department and all necessary supporting information.

E. Review by Affected States

1. For each Title V permit, the control officer shall provide notice of each proposed permit to any affected state on or before the time that the control officer provides this notice to the public as required under 17.12.340 except to the extent 17.12.250 requires the timing of the notice to be different.

2. If the control officer refuses to accept a recommendation of any affected state submitted during the public or affected state review period, the control officer shall notify the Administrator and the affected state in writing. The notification shall include the control officer's reasons for not accepting any such recommendation, and shall be provided to the Administrator as part of the submittal of the proposed final permit. The control officer shall not be required to accept recommendations that are not based on federal applicable requirements or requirements of state law.

F. Any person who petitions the Administrator pursuant to 40 CFR 70.8(d) shall notify the Control Officer by certified mail of such petition as soon as possible, but in no case more than 10 days following such petition. Such notice shall include the grounds for objection and whether such objections were raised during the public comment period. A petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day administrative review period and prior to the Administrator's objection.

G. If the control officer has issued a permit prior to receipt of the Administrator's objection under this subsection, and the Administrator indicates that it should be revised, terminated, or revoked and reissued, the control officer shall respond consistent with 17.12.270 and may thereafter issue only a revised permit that satisfies the Administrator's objection. In any case, the source shall not be in violation of the requirement to have submitted a timely and complete application.

H. Prohibition on Default Issuance

1. No Title V permit including a permit renewal or revision shall be issued until affected states and the Administrator have had an opportunity to review the proposed permit.

2. No permit or renewal shall be issued unless the control officer has acted on the application. (Ord. 1993-\_\_\_ § \_\_\_, 1993)

17.12.200 Emission standards and limitations.

Wherever applicable requirements apply different standards or limitations to a source for the same item, all applicable requirements shall be included in the permit. (Ord. 1993-\_\_\_ § \_\_\_, 1993)

17.12.210 Compliance plan; certification.

A. All permits shall contain the following elements with respect to compliance:

1. The following monitoring requirements sufficient to assure compliance with the terms and conditions of the permit:

a. All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to sections 114 (a)(3) or 504 (b) of the Act (Inspections, Monitoring and Entry or Permit Requirements and Conditions);

b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to paragraph 3 of this subsection. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement; and

c. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

2. All applicable recordkeeping requirements and require, where applicable, the following:

a. Records of required monitoring information that include the following:

(i) The date, place as defined in the permit, and time of sampling or measurements, and name of person conducting sampling;

(ii) The date(s) analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used;

(v) The results of such analyses;

(vi) The operating conditions as existing at the time of sampling or measurement; and

(vii) Chain of custody.

b. Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings or physical records for continuous monitoring instrumentation, and copies of all reports required by the permit.

3. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

a. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with subdivision 5 of this subsection.

b. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The permitting authority shall define "prompt" in relation to the degree and type of deviation likely to occur and the applicable requirements.

4. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:

a. The frequency for submissions of compliance certifications, which shall not be less than annually;

b. The means to monitor the compliance of the source with its emissions limitations, standards, and work practices;

c. A requirement that the compliance certification include the following:

(i) The identification of each term or condition of the permit that is the basis of the certification;

(ii) The compliance status;

(iii) Whether compliance was continuous or intermittent;

(iv) The method(s) used for determining the compliance status of the source, currently and over the reporting period; and

(v) Other facts as the control officer may require to determine the compliance status of the source.

d. A requirement that all compliance certifications be submitted to the control officer, and for Title V permits, to the Administrator as well.

e. Such additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the Act (Inspections, Monitoring and Entry or Permit Requirements and Conditions).

5. Any document required to be submitted by a permit, including reports, shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this Chapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.



6. Inspection and entry provisions which require that upon presentation of proper credentials, the permittee shall allow the control officer to:

a. Enter upon the permittee's premises where a source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of the permit;

b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;

c. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

d. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements; and

e. To record any inspection by use of written, electronic, magnetic and photographic media.

7. A compliance plan that contains all the following:

a. A description of the compliance status of the source with respect to all applicable requirements.

b. A description as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.

(iii) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.

c. A compliance schedule as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.

(iii) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirement for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

d. A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation. Certified progress reports shall contain:

(i) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.

e. The compliance plan content requirements specified in this section shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act (Acid Deposition Control) with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

8. If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required.

B. The control officer may develop special guidance documents and forms to assist certain sources applying for Class II permits in completing the compliance plan. (Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.12.230 Facility changes allowed without permit revisions.

A. A facility with a permit may make changes that contravene an express permit term without a permit revision if all of the following apply:

1. The changes are not modifications under any provision of Title I of the Act (Air Pollution Prevention and Control) or under A.R.S. 49-401.01(17).

2. The changes do not exceed the emissions allowable under the permit whether expressed therein as a rate of emissions or in terms of total emissions.

3. The changes do not trigger or violate any additional applicable requirements.

4. The changes meet all requirements for a minor permit revision under 17.12.250 and do not exceed de minimis levels as defined in 17.04.340.A.70.

5. The changes do not contravene federally enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements.

B. The substitution of an item of process or pollution control equipment for an identical or substantially similar item of process or pollution control equipment shall qualify as a change that does not require a permit revision, if it meets all of the requirements of subsection A of this Section.

C. For each such change, the source shall notify the control officer, and the Administrator in the case of Title V permits, by certified mail a minimum of seven (7) working days in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided less than 7 working days in advance of the change but must be provided as far in advance of the change, or if advance notification is not practicable as soon after the change as possible.

D. Each notification shall include:

1. When the proposed change will occur.

2. A description of each such change.

3. Any change in emissions.
4. The pollutants emitted subject to the emissions trade, if any.
5. The provisions in the implementation plan that provide for the emissions trade with which the source will comply and any other information as may be required by the provisions in the implementation plan authorizing the trade.
6. If the emissions trading provisions of the implementation plan are invoked, then the permit requirements with which the source will comply.
7. Any permit term or condition that is no longer applicable as a result of the change.

E. The permit shield described in 17.12.310 shall not apply to any change made pursuant to subsections A or F of this section. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the implementation plan authorizing the emissions trade.

F. Except for sources with authority to operate under general permits, permitted sources may trade increases and decreases in emissions within the permitted facility, as established in the permit pursuant to 17.12.180.A.12, where an applicable implementation plan provides for such emissions trades, without applying for a permit revision and based on the 7 working days notice prescribed in subsection C of this section. This provision is available in those cases where the permit does not already provide for such emissions trading, and shall not include any emission units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades.

G. If a permit applicant requests it, the control officer shall issue permits that contain terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The control officer shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. In addition to the requirements of subsection C of this Section, the written notification shall include how these increases and decreases in emissions will comply with the terms and conditions of the permit. The permit shield described in 17.12.310 shall extend to the terms and conditions that allow such increases and decreases in emissions.

H. Except as otherwise provided for in the permit, making a change from one alternative operating scenario to another as provided under 17.12.180.A.11 shall not require any prior notice under this Section.

I. Notwithstanding any other part of this Section, the control officer may require a permit to be revised for any change that when considered together with any other changes submitted by the same source under this Section, do not satisfy subsection A. (Ord. 1993-\_\_\_ S \_\_\_, 1993)

#### 17.12.240 Administrative permit amendments.

A. Except for provisions pursuant to Title IV of the Act (Acid Deposition Control), An administrative permit amendment is a permit revision that does any of the following:

1. Corrects typographical errors;

2. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;

3. Requires more frequent monitoring or reporting by the permittee;

4. Allows for a change in ownership or operational control of a source as approved under 17.12.290 where the control officer determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility coverage, and liability between the current and new permittee has been submitted to the control officer;

5. Incorporates any other type of change which, for non-Title V permits, the control officer, or for Title V permits, the Administrator, has determined to be similar to those of this Section.

B. Administrative permit amendments to Title IV provisions of the permit shall be governed by regulations promulgated by the Administrator under Title IV of the Act (Acid Deposition Control).

C. The control officer shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and for Title V permits may incorporate such changes without providing notice to the public or affected States provided that it designates any such permit revisions as having been made pursuant to this Section.

D. The control officer shall submit a copy of Title V permits revised under this Section to the Administrator for approval.

E. Except for administrative permit amendments involving a transfer under 17.12.290, the source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request. (Ord. 1993-\_\_ § \_\_, 1993)

#### 17.12.250 Minor permit revisions.

A. Minor permit revision procedures may be used only for those permit revisions that satisfy all of the following:

1. Do not violate any applicable requirement;

2. Do not involve substantive changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source specific determination of ambient impacts, or a visibility or increment analysis;

4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed in order to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

a. A federally enforceable emissions cap which the source would assume to avoid classification as a modification under any provision of Title I of the Act (Air Pollution Prevention and Control);

b. An alternative emissions limit approved pursuant to regulations promulgated under the section 112(i)(5) of the Act (Hazardous Air Pollutants).

5. Are not modifications under any provision of Title I of the Act (Air Pollution Prevention and Control), or regulations promulgated pursuant to A.R.S. § 49-426.06.

6. Are not changes in fuels not represented in the permit application or provided for in the permit.

7. Are not required to be processed as a significant revision under 17.12.260.

B. As approved by the control officer, minor permit revision procedures may be used for permit revisions involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit revision procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by the Administrator.

C. An application for minor permit revision shall be on the standard application form contained in Title 18, Chapter 2, Appendix 1 of the A.A.C. and include the following:

1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

2. For Title V sources, the source's suggested proposed permit;

3. Certification by a responsible official, consistent with standard permit application requirements, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used;

D. EPA and affected State notification. For Title V permits, within 5 working days of receipt of an application for a minor permit revision, the control officer shall notify the Administrator and affected states of the requested permit revision in accordance with 17.12.190.

E. The control officer shall follow the following timetable for action on an application for a minor permit revision:

1. For Title V permits, the control officer shall not issue a final permit revision until after the Administrator's 45-day review period or until the Administrator has notified the control officer that the Administrator will not object to issuance of the permit revision, whichever is first, although the control officer may approve the permit revision prior to that time. Within 90 days of the control officer's receipt of an application under minor permit revision procedures, or 15 days after the end of the Administrator's 45-day review period, whichever is later, the control officer shall do one or more of the following:

a. Issue the permit revision as proposed.

b. Deny the permit revision application.

c. Determine that the proposed permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures in 17.12.260.

d. Revise the proposed permit revision and transmit to the Administrator the new proposed permit revision as required in 17.12.190.

2. Within 90 days of the control officer's receipt of an application for a revision of a non-Title V permit under this Section, the control officer shall do one or more of the following:

a. Issue the permit revision as proposed.

b. Deny the permit revision application.

c. Determine that the permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures pursuant to 17.12.260.

d. Revise and issue the proposed permit revision.

F. Source's ability to make change. The source may make the change proposed in its minor permit revision application immediately after it files the application. After the source makes the change allowed by the preceding sentence, and until the control officer takes any of the actions specified in subsection E of this Section, the source shall comply with both the applicable requirements governing the change and the proposed revised permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to revise may be enforced against it.

G. The permit shield under 17.12.310 shall not extend to minor permit revisions.

#### 17.12.260 Significant permit revisions.

A. Significant revision procedures shall be used for applicants requesting permit revisions that do not qualify as minor revisions or as administrative amendments. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or record keeping permit terms or conditions shall be considered significant.

B. All modifications to major sources of federally listed hazardous air pollutants shall follow significant revision procedures and any rules adopted pursuant to A.R.S. 49-426.03 and 49-480.03. A physical change to a source or change in the method of operation of a source that complies with Section 112(g)(1) of the Act (Hazardous Air Pollutants) shall be a modification required to be processed under this Section but not for the purposes of requiring maximum achievable control technology.

C. All modifications to sources subject to rules promulgated pursuant to A.R.S. 49-426.06 and 49-480.04 shall follow significant revision procedures.

D. Significant permit revisions shall meet all requirements of this Article for applications, public participation, review by affected States, and review by the Administrator as they apply to permit issuance and renewal.

E. The control officer shall process the majority of significant permit revision applications within 9 months of receipt of a complete permit application but in no case longer than 18 months. (Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.12.270 Permit reopenings; revocation and reissuance; termination.

##### A. Reopening for Cause

1. Each issued permit shall include provisions specifying the conditions under which the permit shall be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:

a. Additional applicable requirements under the Act become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 17.12.280.B. Any permit reopening required pursuant to this

section shall comply with provisions in 17.12.280 for permit renewal and shall reset the five year permit term.

b. Additional requirements, including excess emissions requirements, become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Class I permit.

c. The control officer or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

d. The control officer or the Administrator determines that the permit needs to be revised or revoked to assure compliance with the applicable requirements.

2. Proceedings to reopen and issue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

3. Reopenings under subdivision A.1. of this Section shall not be initiated before a notice of such intent is provided to the source by the control officer at least 30 days in advance of the date that the permit is to be reopened, except that the control officer may provide a shorter time period in the case of an emergency.

4. When a permit is reopened and revised pursuant to this section, the control officer may make appropriate revisions to the permit shield established pursuant to 17.12.310.

B. Within 10 days of receipt of notice from the Administrator that cause exists to reopen a Title V permit, the control officer shall notify the source. The source shall have 30 days to respond. Within 90 days of receipt of notice from the Administrator that cause exists to reopen a permit, the control officer shall forward to the Administrator and the source a proposed determination of termination, revision, revocation or reissuance of the permit. Within 90 days of an EPA objection to the control officer's proposal, the control officer shall resolve the objection and act on the permit. (Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.12.280 Permit renewal and expiration.

A. A permit being renewed is subject to the same procedural requirements, including any for public participation and affected states and Administrator review, that would apply to that permit's initial issuance.

B. Except as provided in 17.12.150.A, permit expiration terminates the source's right to operate unless a timely application for renewal that is sufficient under A.R.S. 41-1064 has been submitted in accordance with 17.12.160. Any testing that is required for renewal shall be completed before the proposed permit is issued by the control officer.

C. The control officer shall act on an application for a permit renewal within the same time frames as on an initial permit. (Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.12.290 Permit transfers.

A. Any person may apply to the control officer to have a Class I or II permit transferred to another person by giving notice to the control officer at least thirty days before the proposed transfer. The notice shall contain the following:

1. The permit number and expiration date.

2. The name, address and telephone number of the current permit holder.
3. The name, address and telephone number of the organization to receive the permit.
4. The name and title of the individual within the organization who is accepting responsibility for the permit along with a signed statement by that person indicating such acceptance.
5. A description of the equipment to be transferred.
6. The effective date of the proposed transfer.
7. A signed statement by the new owner attesting that the new owner is familiar with the provisions of this title and will comply with all applicable standards.

B. The control officer shall deny the transfer if the control officer determines that the organization receiving the permit is not capable of operating the source in compliance with Article 3, Chapter 3, Title 49, Arizona Revised Statutes, the provisions of this Chapter or the provisions of the permit. Notice of the denial shall be sent to the original permit holder by certified mail stating the reason for the denial within ten working days of the control officer's receipt of the application. If the transfer is not denied within ten working days after receipt of the notice, it shall be deemed approved.

C. To appeal the transfer denial:

1. Both the transferor and transferee shall petition the hearing board in writing for a public hearing; and
2. The appeal process for a permit shall be followed. (Ord. 1993-\_\_  
S \_\_, 1993)

#### 17.12.300 Portable sources.

A. A portable source that will operate for the duration of its permit solely in one county that has established a local air pollution control program pursuant to A.R.S. 49-479 shall obtain a permit from that county. A portable source with a county permit, shall not operate in any other county.

B. Permits for portable sources shall include the following:

1. Conditions that will assure compliance with all applicable requirements at all authorized locations; and
2. Conditions that assure compliance with all other provisions of this chapter.

C. A portable source which has a county permit but proposes to operate outside the county shall obtain a permit from the Director. Upon issuance of a permit by the Director, the county shall terminate the county permit for that source. Before commencing operation in the new county, the source shall notify the Director and the control officer who has jurisdiction over the geographic area that includes the new location according to subsection D of this Section.

D. An owner of portable source equipment which requires a permit under this Chapter shall obtain the permit prior to renting or leasing said equipment. This permit shall be provided by the owner to the renter or lessee and the renter or lessee shall be bound by the permit provisions. In the event a copy of the permit is not provided to the renter or lessee, both the owner and the lessee or renter shall be responsible for the operation of this equipment in compliance with the permit conditions and any violations thereof.



E. A portable source may be transferred from one location to another provided that the owner or operator of such equipment provide notification according to the conditions specified in the permit. In no case will more than ten days notice be required. (Ord. 1993-\_\_\_ § \_\_\_, 1993)

#### 17.12.310 Permit shields.

A. Each Class I or II permit issued under this chapter shall specifically identify all federal, state, and local air pollution control requirements that apply to the source at the time the permit is issued. The permit shall state that compliance with the conditions of the permit shall be deemed compliance with any applicable requirement identified in the permit as of the date of permit issuance. The control officer may include in a permit determination that other requirements specifically identified are not applicable. Any permit under this Chapter that does not expressly state that a permit shield exists shall not provide such a shield.

B. Nothing in this Section or in any permit shall alter or affect the following:

1. The provisions of section 303 of the Act (emergency orders), including the authority of the Administrator under that section.

2. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.

3. The applicable requirements of the acid rain program, consistent with section 408(a) of the Act (Permits and Compliance Plans).

4. The ability of the Administrator or the control officer to obtain information from a source pursuant to section 114 of the Act (Inspections, Monitoring and Entry), or any provision of state law.

5. The authority of the control officer to require compliance with new applicable requirements adopted after the permit is issued.

C. In addition to the provisions of 17.12.270, a permit may be reopened by the control officer and the permit shield revised when it is determined that standards or conditions in the permit are based on incorrect information provided by the applicant. (Ord. 1993-\_\_\_ § \_\_\_, 1993)

#### 17.12.320 Annual emissions inventory questionnaire.

A. Every source subject to a Title V permit requirement shall complete and submit to the control officer an annual emissions inventory questionnaire. The questionnaire is due by March 31 and shall include emission information for the previous calendar year. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed. Sources subject to non-Title V permit requirements may also be required by the control officer to submit emissions inventory information.

B. The questionnaire shall be on a form provided by or approved by the control officer and shall include but not be limited to the following information:

1. The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.

2. Process information for the source, including design capacity, operations schedule, and emissions control devices, their description and efficiencies.

3. The actual quantity of emissions, including documentation of the method of measurement, calculation or estimation, of regulated air pollutants, including fugitive emissions, in an aggregate quantity greater than one ton.

C. The control officer may require submittal of supplemental emissions inventory questionnaires for air contaminants pursuant to A.R.S. 49-476.01. (Ord. 1993-\_\_\_ § \_\_, 1993)

17.12.330 Permits containing the terms and conditions of federal delayed compliance orders (DCO) or consent decrees.

A. The terms and conditions of either a DCO or consent decree shall be incorporated into a permit through a permit revision. In the event the permit expires prior to the expiration of the DCO or consent decree, the DCO or consent decree shall be incorporated into any permit renewal.

B. The owner or operator of a source subject to a DCO or consent decree shall submit to the control officer a quarterly report of the status of the source and construction progress and copies of any reports to the Administrator required under the order or decree. The control officer may require additional reporting requirements and conditions in permits issued under this Article.

C. For the purpose of this Chapter, sources subject to a consent decree issued by a federal court shall meet the same requirements as those subject to a DCO. (Ord. 1993-\_\_\_ § \_\_, 1993)

17.12.340 Public participation.

A. The control officer shall provide public notice, an opportunity for public comment, and an opportunity for a hearing before taking the following actions:

1. A permit issuance or renewal of a permit.
2. A significant permit revision.
3. Revocation and reissuance or reopening of a permit.

B. The control officer shall provide public notice of receipt of complete applications for major sources by publishing a notice in a newspaper of general circulation in the county where the source will be located.

C. The control officer shall provide notice of proposed permits required pursuant to subsection A of this section, or any other section of this title, as follows:

1. The control officer shall publish the notice once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located.

2. The control officer shall mail a copy of the notice to persons on a mailing list developed by the control officer consisting of those persons who have requested in writing to be placed on such a mailing list.

D. The notice required by subsection (C) shall include the following:

1. Identification of the affected facility.
2. Name and address of the permittee or applicant.
3. Name and address of the permitting authority processing the permit action.
4. The activity or activities involved in the permit action.

5. The emissions change involved in any permit revisions.
6. The air contaminants to be emitted.
7. A statement that any person may submit written comments, or a written request for a public hearing, or both, on the proposed permit action.
8. The name, address, and telephone number of a person from PDEO from whom additional information may be obtained.

9. Locations where copies of the permit or permit revision application, the proposed permit, and all other materials available to the control officer that are relevant to the permit decision may be reviewed, including the PDEO office, and the times at which they shall be available for public inspection.

E. For all other actions involving a proposed permit, the control officer shall hold a public hearing only upon written request pursuant to the provisions of A.R.S. 49-426. If a public hearing is requested, the control officer shall schedule the hearing and publish notice as described in A.R.S. 49-444 and subsection D of this section. The control officer shall give notice of any public hearing at least 30 days in advance of the hearing.

F. At the time the control officer publishes the first notice, the applicant shall post a notice containing the information required in subsection D of this section at the site where the source is or may be located. Consistent with federal, state, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. If a public hearing is to be held, the applicant shall place an additional posting providing notice of the hearing. Any posting shall be maintained until the public comment period is closed.

G. The control officer shall provide at least 30 days from the date of its first notice for public comment. The control officer shall keep a record of the commenters and of the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final decision is made, the record and copies of the control officer's responses shall be made available to the applicant and all commenters. (Ord. 1993-\_\_\_ S \_\_\_, 1993)

#### 17.12.350 Material permit condition.

A. For the purposes of A.R.S. 49-464(G) and 49-514(G), a "material permit condition" shall mean a condition which satisfies all of the following:

1. The condition is in a permit or permit revision issued by the control officer after the effective date of this section.

2. The condition is identified within the permit as a material permit condition.

3. The condition is one of the following:

a. An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement.

b. A requirement to install, operate or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required pursuant to the requirements of A.R.S. § 49-426.06.

c. A requirement for the installation or certification of a monitoring device.

d. A requirement for the installation of air pollution control equipment.

e. A requirement for the operation of air pollution control equipment. This shall not extend to circumstances where a violation is resulted from a sudden and unavoidable breakdown of the process or the control equipment; resulted from unavoidable conditions during a start up or shut down; or resulted from upset of operations.

4. The condition is not covered by subsections A through F, or H through J of A.R.S. 49-464 or subsections A through F, or H through J of A.R.S. 49-514.

B. For the purposes of paragraphs A.3.c and A.3.d of this Section, a permit condition shall not be material only where the failure to comply resulted from circumstances which were outside the control of the source.

C. For purposes of this section, the term "emission standard" shall have the meaning set forth at subsection T of A.R.S. 49-514.(Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.12.360 Stack height limitation.

A. The limitations set forth herein shall not apply to stacks or dispersion techniques used by the owner or operator prior to December 31, 1970, for which the owner or operator had:

1. Begun, or caused to begin, a continuous program of physical on-site construction of the stack;

2. Entered into building agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time; or

3. Coal fired steam electric generating units, subject to the provisions of Section 118 of the Act (Control of Pollution from Federal Facilities) which commenced operation before July 1, 1975, with stacks constructed under a construction contract awarded before February 8, 1974.

B. GEP stack height is calculated as the greater of the following four numbers in subdivisions 1 through 4:

1. 213.25 feet (65 meters).

2. For stacks in existence on January 12, 1979 and for which the owner or operator had obtained all applicable preconstruction permits or approvals required under 40 CFR Parts 51 and 52 and 17.16.560,  $H_g = 2.5H$ .

3. For all other stacks,  $H_g = H + 1.5L$ , where  
 $H_g$  = good engineering practice stack height, measured from the ground-level elevation at the base of the stack;  
 $H$  = height of nearby structure measured from the ground-level elevation at the base of the stack;

$L$  = lesser dimension (height or projected width) of nearby structure; provided that the EPA, state, or local control agency may require the use of a field study or fluid model to verify GEP stack height for the source;  
or

4. The height demonstrated by a fluid model or a field study approved by the reviewing agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain obstacles.

5. For a specific structure or terrain feature, "nearby" shall be:

a. For purposes of applying the formulae in subdivisions 2 and 3 of this subsection, that distance up to five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km (one half mile).

b. For conducting demonstrations under subdivision 4 of this subsection, means not greater than 0.8 km (one half mile). An exception is that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten times the maximum height (H+) of the feature, not to exceed two miles if such feature achieved a height (H+) 0.8 km from the stack. The height shall be at least 40 percent of the GEP stack height determined by the formula provided in subdivision 3, or 85 feet (26 meters), whichever is greater, as measured from the ground-level elevation at the base of the stack.

6. "Excessive concentrations" means, for the purpose of determining good engineering practice stack height under subdivision 4 of this subsection:

a. For sources seeking credit for stack height exceeding that established under subdivisions 2 and 3 of this subsection, a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the requirements for permits or permit revisions under Article 4 of this Chapter, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes or eddy effects and greater than the applicable maximum allowable increase contained in 17.08.150. The allowable emission rate to be used in making demonstrations under subdivision 4 of this subsection shall be prescribed by the new source performance standard which is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the control officer, an alternative emission rate shall be established in consultation with the source owner or operator;

b. For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under subdivisions 2 and 3 of this subsection, either:

(i) A maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects as provided in paragraph a of this subdivision, except that emission rate specified by any applicable SIP shall be used, or

(ii) The actual presence of a local nuisance caused by the existing stack, as determined by the control officer; and

c. For sources seeking credit after January 12, 1979, for a stack height determined under subdivisions 2 and 3 of this subsection, where the control officer requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970 based on the aerodynamic influence of structures not adequately represented by the equations in subdivisions 2 and 3 of this subsection, a maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

C. The degree of emission limitation required of any source after the respective date given in subsection A of this section for control of any pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique.

D. The good engineering practice (GEP) stack height for any source seeking credit because of plume impaction which results in concentrations in violation of national ambient air quality standards or applicable prevention of significant

deterioration increments can be adjusted by determining the stack height necessary to predict the same maximum air pollutant concentration on any elevated terrain feature as the maximum concentration associated with the emission limit which results from modelling the source using the GEP stack height as determined herein and assuming the elevated terrain features to be equal in elevation to the GEP stack height. If this adjusted GEP stack height is greater than stack height the source proposes to use, the source's emission limitation and air quality impact shall be determined using the proposed stack height and the actual terrain heights.

E. Before the control officer issues a permit or permit revision under this Article to a source based on a good engineering practice stack height that exceeds the height allowed by subsection B of this Section, the State shall notify the public of the availability of the demonstration study and provide opportunity for public hearing in accordance with the requirements of 17.12.340. (Ord. 1993-\_\_\_ § \_\_, 1993)

### Article III. General Permits for Individual Sources.

#### 17.12.370 Applicability.

A. The control officer may issue general permits for a facility class that contains a large number of facilities that are similar in nature and have substantially similar emissions. "Similar in nature" refers to facility size, processes and operating conditions.

B. General permits shall not be issued to affected sources except as provided in regulations promulgated by the Administrator under Title IV of the Act (Acid Deposition Control).

C. The standards contained in any general permit issued by local air pollution agencies shall be no less stringent than permits issued by the Director for the same facility class. The local air pollution agency shall comply with the provisions of A.R.S. 49-479(C) to issue a general permit with standards that are more stringent.

D. Unless otherwise stated, the provisions of Article II shall also apply to general permits. (Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.12.380 General permit development.

A. The control officer may issue a general permit on his own or in response to a petition.

B. Any person may submit a petition to the Director or local air pollution agency requesting the issuance of a general permit for a defined class of facilities. The petition shall propose a particular class of facilities, and list the approximate number of facilities in the proposed class along with their size, processes and operating conditions and demonstrate how the class meets the criteria for a general permit as specified in 17.12.370 and A.R.S. 49-426(H). The control officer shall provide a written response to a petition submitted to him within 120 days of receipt.

C. General permits shall be issued or denied for classes of facilities using the same engineering technical review process that applies to permits for individual sources and following the public notice requirements of 17.12.400.

D. General permits shall meet all the applicable requirements of this chapter, including incorporating all the permit contents specified in 17.12.180. (Ord. 1993-\_\_\_ § \_\_, 1993)

17.12.390 Application for coverage under general permit.

A. Once the Director or control officer has issued a general permit, any source which is a member of the class of facilities covered by the general permit may apply to the control officer for authority to operate under the general permit. At the time the Director or control officer issues a general permit, the Director or control officer may also establish a specific application form with filing instructions for sources in the category covered by the general permit. Applicants shall complete the specific application form, or if none has been adopted, the standard application form contained in Title 18, Chapter 2, Appendix 1, of the A.A.C. The specific application form shall, at a minimum require the applicant to submit the following information:

1. Information identifying and describing the source, its processes and operating conditions in sufficient detail to allow the control officer to determine qualification for, and to assure compliance with, the general permit.
2. A compliance plan that meets the requirements of 17.12.210.

B. For sources required to obtain a permit under Title V of the Act (Permits), the control officer shall provide the Administrator with a permit application summary form and any relevant portion of the permit application and compliance plan. To the extent possible, this information shall be provided in computer readable format compatible with the Administrator's national database management system.

C. The control officer shall give notice of the proposed general permit once each week for two consecutive weeks in a newspaper of general circulation in the county. The control officer shall mail a copy of the notice to persons on a mailing list developed by the control officer, including those who request in writing to be on the list. The notice shall describe the proposed general permit, the general class of sources that would be subject to the proposed permit and the air contaminants to be emitted. The notice shall also state that any person may submit comments on the proposed general permit and may request a public hearing. A written comment shall state the name of the person and the person's agent or attorney and shall clearly set forth reasons why the general permit should or should not be issued. Grounds for comment are limited to whether the proposed general permit meets the criteria for issuance prescribed in this article or 17.12.110. The control officer shall provide at least 30 days from the date of its first notice for public comment. The control officer shall keep a record of the commenters and of the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final decision is made, the record and copies of the control officer's responses shall be made available to the applicant and all commenters.

D. The control officer shall act on the application for coverage under the general permit as expeditiously as possible, but a final decision shall be reached within 180 days. The source may operate under the terms of its application during that time. If the application for coverage is denied, the control officer shall notify the source that it shall apply for an individual permit within 180 days of receipt of notice. The control officer may defer acting on an application under this subsection if the control officer has provided notice of intent to renew or not renew the permit. (Ord. 1993-\_\_\_ S , 1993)

17.12.400 Public notice.

A. This section applies to issuance, revision or renewal of a general permit.

B. The control officer shall provide public notice for any proposed new general permit, for any significant revision of an existing general permit, and for renewal of an existing general permit.

C. The control officer shall publish notice of the proposed general permit once each week for two consecutive weeks in a newspaper of general circulation in the county. The control officer shall mail a copy of the notice to persons on a mailing list developed by the control officer, including those who request in writing to be on the list. The notice shall describe the following:

1. The proposed permit.
2. The category of sources that would be affected.
3. The air contaminants which the control officer expects to be emitted by a typical facility in the class and the class as a whole.
4. The control officer's proposed actions and effective date for the actions.
5. Locations where documents relevant to the proposed permit will be available during normal business hours.
6. The name, address and telephone number of a person within the Department who may be contacted for further information.
7. The address where any person may submit comments or request a public hearing and the date and time by which comments or a public hearing request are required to be received.
8. The process by which sources may obtain authorization to operate under the general permit.

D. The control officer shall provide at least 30 days from the date of its first notice for public comment. The control officer shall keep a record of the commenters and of the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final decision is made, the record and copies of the control officer's responses shall be made available to the applicant and all commenters.

E. For general permits under which operation may be authorized in lieu of individual source permits issued under article II of this chapter:

1. the control officer shall give notice of the proposed general permit to each affected state at the same time that the proposed general permit goes out for public notice. The affected states shall have 45 days from receipt of proposed general permit and any necessary supporting information to respond with recommendations or objections to the proposed general permit; and

2. the control officer shall provide the proposed final permit after public and affected state review.

F. Written comments to the control officer shall include the name of the person and the person's agent or attorney and shall clearly set forth reasons why the general permit should or should not be issued.

G. At the time a general permit is issued, the control officer shall make available a response to all relevant comments on the proposed permit raised during the public comment period and during any requested public hearing. The response shall specify which provisions, if any, of the proposed permit have been changed and the reason for the changes. The control officer shall also notify in writing any petitioner and each person who has submitted written comments on the proposed general permit or requested notice of the final permit decision.  
(Ord. 1993-\_\_\_ \$ \_\_, 1993)

#### 17.12.410 General permit renewal.

The control officer shall review and may renew general permits every five years. A source's authorization to operate under a general permit shall expire when the



general permit expires regardless of when the authorization began during the five year period, except as provided in 17.12.460.C. In addition, to the public notice required to issue a proposed permit under 17.12.400, the control officer shall notify in writing all sources who have been granted, or who have applications pending for, authorization to operate under the permit. The written notice shall describe the source's duty to reapply and may include requests for information required under the proposed permit. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993)

#### 17.12.420 Relationship to individual permits.

Any source covered under a general permit may request to be excluded from coverage by applying for an individual source permit. Coverage under the general permit shall terminate on the date the individual permit is issued. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993)

#### 17.12.430. Non-Title V Source General permit variances.

A. Where MACT or HAPRACT has been established in a non-Title V source general permit for a source category designated pursuant to A.R.S. 49-426.05(A), the owner or operator of a source within that source category may apply for a variance from the standard by demonstrating compliance with A.R.S. § 49-426.06(D) at the time the source applies for coverage under the general permit.

B. If the owner or operator makes the showing required by A.R.S. 49-426.06(D) and otherwise qualifies for the general permit, the control officer shall, in accordance with the procedures established pursuant to this Article, approve the application and authorize operation under a variance from the standard of the general permit.

C. Except as modified by the variance, the source shall comply with all conditions of the general permit. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993)

#### 17.12.440 General permit shield.

Each general permit issued under this article shall specifically identify all federal, state, and local air pollution control requirements that apply to the source at the time the permit is issued. The permit shall state that compliance with the conditions of the permit shall be deemed compliance with any applicable requirement identified in the permit as of the date of permit issuance. Any permit under this article that does not expressly state that a permit shield exists shall be presumed not to provide such a shield. Notwithstanding the above provisions, the source shall be subject to enforcement action for operation without a permit if the source is later determined not to qualify for the conditions and terms of the general permit. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993)

#### 17.12.450 General permit appeals.

Any person who filed a comment on a proposed general permit as provided in 17.12.400, may appeal the terms and conditions of the general permit, as they apply to the facility class covered under a general permit, by filing an appeal with the hearing board within 30 days of issuance of the general permit. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993)

#### 17.12.460 Revocations of authority to operate under a general permit.

A. The control officer may require a source authorized to operate under a general permit to apply for and obtain an individual source permit at any time if:

1. The source is not in compliance with the terms and conditions of the general permit, or

2. The control officer has determined that the emissions from the source or facility class are significant contributors to ambient air quality standard violations which are not adequately addressed by the requirements in the general permit, or

3. The control officer has information which indicates that the effects on human health and the environment from the sources covered under the general permit are unacceptable.

B. The control officer shall provide written notice to all sources operating under a general permit prior to cancellation of a general permit. Such notice shall include an explanation of the basis for the proposed action. Within six months of receipt of the notice of the expiration, termination or cancellation of any general permit, sources notified shall submit an application to the control officer for an individual permit.

C. A source previously authorized to operate under a general permit may operate under the terms of the general permit until the earlier of the date it submits a complete application for an individual permit, or 180 days after receipt of the notice of expiration, termination or cancellation of any general permit. — § , 1993)

#### Article IV. Activity Permits.

~~17.08.035~~ 17.12.470 ~~Activity Equipment Operating~~ permits.

A. No person shall cause or permit the use of any equipment for the purpose of landclearing, mining, excavating, or leveling land including blasting, trenching or road construction or commence demolition or renovation of any structure as shown in Table ~~17.08.230B~~ 17.12.540 without first obtaining a permit from the control officer.

~~1. The property owner, or lessee, or developer, or prime contractor will be responsible for obtaining the required permit.~~

~~2. B.~~ The permit shall be valid for a period of not more than one year three months from the date of issue. The applicant may request a longer term, if the project length specified in a written contract is greater than three months. A copy of the contract shall be provided with the application. Activity permits issued for a period exceeding three months shall expire thirty days after the contract deadline or after one year from date of issuance, whichever is earlier.

C. Permittees shall notify the control officer within five working days of the start and completion of the project. (Ord. 1993-\_\_\_ § , 1993; Ord. 1987-75 § 5 (part), 1987)

#### Article V. Open Burning Permits.

~~17.08.045~~ 17.12.480 Open burning permits.

A. A person who plans to ignite, allow, or maintain any outdoor fire - except as specifically exempted herein - shall obtain an open burning permit from the control officer before commencing the burning.

B. Specific types of open outdoor fires which require open burning permits, as well as those types of fires which do not require permits, are identified in Table ~~17.08.045~~ 17.12.480. Any open burning not listed in Table ~~17.08.045~~ 17.12.480 is prohibited.

C. The term of any open burning permit shall be as specified by the control officer, subject to the following limitations:

1. The term of a temporary open burning permit shall not exceed three consecutive or non-consecutive days within a thirty-day period, and

2. The term of an extended open burning permit shall expire as specified on the original application, and shall in no case exceed ninety days. (Ord. 1987-175 § 4, 14, 1987; Ord. 1981-12 (part), 1981; Ord. 1979-93 (part), 1979)

~~17.08.150~~ ~~Open burning permit conditions~~ 17.12.490 Standard Permit Requirements.

A. A person granted an open burning permit must comply with the following:

1. Permissible burning hours are noon to four p.m. unless stated otherwise on the permit;

2. Burning must be at a safe distance from structures;

3. Burning must be constantly attended with reasonable control tools at hand;

4. Burning may not be conducted on public land or on other land not owned or leased by the permittee without written permission from the owner or land manager;

5. Fire must be dead out when left; and

6. The burning of materials other than those specified by the permit is prohibited. (Ord. 1979-93 (part), 1979)

Article VI. Fees.

~~17.08.200~~ 17.12.500 General provisions.

A. Permits issued pursuant to a program adopted under this Title are subject to payment of a reasonable fee to be determined as outlined in this article.

B. The control officer shall assess an annual inspection fee in accordance with the fee tables listed at the end of this chapter. The annual inspection fee shall not exceed average cost of service for that category of source.

C. Funds received for permits issued pursuant to this chapter shall be deposited in a special public health fund and shall be used by the control officer to defray the costs of implementing provisions of this Title.

~~A. D.~~ An applicant for an ~~equipment~~ operating, activity, ~~equipment~~ operating, or open burning permit approved by the control officer shall pay a fee calculated according to the schedules listed at the end of this chapter, the following provisions, and any other provisions established in subsequent sections. ~~but not to exceed twenty five thousand dollars per year for an initial or renewable permit.~~

~~1. E.~~ Permit fees shall be applied collectively to all operations conducted at a contiguous geographical area.

~~2. F.~~ Small equipment exempted in a table does not require a permit fee unless the equipment is part of a source at a contiguous geographical area whose aggregated capacity exceeds the exemption.

~~3. G.~~ If more than one fee schedule or subschedule applies to the same operation or piece of equipment, the schedule yielding the higher fee shall apply. If a composite fee schedule covers multiple equipment at a contiguous geographical area, individual fee schedules for that particular equipment shall not apply.

~~4. A seasonal, stationary industry listed in Table 17.08.230A which requires an operating permit and is shut down for more than six consecutive~~

~~months in any annual permit period shall be assessed annual operating permit fees equal to one half of the calculated fee.~~

~~5. Each operating permit shall be renewed on the anniversary date of the permit, if the source is in compliance with this Code.~~

~~6. Equipment installed for the sole purpose of reducing or eliminating emissions shall not be included in a fee assessed for an equipment operating permit. Air pollution control equipment requires payment of an installation permit fee.~~

~~B. Emission sources which require activity operating permits are listed in Table 17.08.230C, and no fee shall be assessed for these permits.~~

H. The hourly rate fee of \$58.00 where assessed herein shall include all hours accumulated by staff in the review and processing of an application, conditional order, administrative permit amendment, minor permit revision, significant permit revision or permit transfer notice review and shall round any fractional hour to the next higher hour. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1991-136 § 7, 1991; Ord. 1989-165 § 17, 1989; Ord 1987-175 § 10, 1987; Ord. 1979-93 (part), 1979)

~~17.08.090~~ 17.12.510 Permit fee payments.

If a permit requires a fee as specified in the ~~fee schedules~~ of this chapter, the permit shall not be issued until the applicant has paid the fee. (Ord. 1993-\_\_\_ \$ \_\_\_ Ord. 1993; Ord. 1979-93 (part), 1979)

~~17.08.210~~ ~~Installation permit~~ 17.12.520 Permit Application fees.

~~A. Emission sources which require activity equipment operating permits or activity permits as listed in Table 17.08.230C and 17.08.230D, do not require installation permits and shall not be assessed an installation permit fee.~~

~~B. Installation Permit~~

~~1. All applications for equipment installation permits shall require a non-refundable filing fee of fifteen dollars.~~

~~2. New major stationary source installations or major modifications that fall within the requirements as referenced in Sections 17.12.250 and 17.12.260 of this title shall pay a flat fee of one thousand two hundred thirty-nine dollars. The fee shall be paid prior to issuance of the permit and shall be valid for no more than two (2) years from date of issue.~~

~~3. Sources that are classed as NSPS or NESHAP sources and all other sources listed in Table 17.08.230A not classified as a major source or major modification shall be assessed a flat fee of six hundred twenty dollars. The fee shall be paid prior to issuance of the permit and shall be valid for no more than two (2) years from date of issue.~~

~~4. All remaining sources listed in Table 17.08.230B shall be assessed an installation fee equal to twenty five percent of the calculated operating fee or a minimum of thirty-one dollars, whichever is greater.~~

A. For any source required to obtain a permit under Title V of the Clean Air Act (Permits), the control officer shall assess an application review fee at a rate of \$58.00 per hour with a minimum fee of \$26,131.00.

B. For any facility subject to the permitting requirements of this chapter listed in Table 17.12.550A but not required to obtain a permit under Title V of the Clean Air Act (Permits), the control officer shall assess an application review fee at a rate of \$58.00 per hour with a minimum fee of \$4829.00. The application review fee shall not exceed \$25,000.00.

C. For any facility subject to the permitting requirements of this chapter listed in Table 17.12.550B but not required to obtain a permit under Title V of the Clean Air Act (Permits), the control officer shall assess an application review fee at a rate of \$58.00 per hour with a minimum fee of \$284.00. The application review fee shall not exceed \$25,000.00. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1990-113 \$ 10, 1990; Ord. 1989-165 \$ 17 (part), 1989; Ord. 1987-175 \$ 11, 14, 1987; Ord. 1983-196 (part), 1983; Ord. 1981-12 (part), 1981; Ord. 1979-93 (part), 1979)

~~17.08.220~~ 17.12.530 Open Burning Permit Fees.

Refer to Table ~~17.08.220~~ 17.12.530, Open Burning Permit Fee Schedules. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1989-165 article 17 (Part), 1989; Ord. 1983-196 (Part), 1983; Ord. 1981-12 (Part), 1981; Ord. 1979-93 (Part), 1979)

17.12.540 Activity Permit Fees.

Refer to Table 17.12.540, Activity Permit Fee Schedules. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993)

~~17.08.220~~ ~~Operating permit~~ 17.12.550 Inspection fees.

A. ~~Operating Permit~~ Inspection fees shall be calculated according to the schedules A and B in Tables ~~17.08.230A, 17.08.230B, and 17.08.230C~~ 17.12.550A and 17.12.550B and shall apply only to those equipment items or processes actually inspected. If a source is a permit operation under Table 17.08.230A, Table ~~17.08.230B~~ listed in Table 17.12.550A, Table 17.12.550B does not apply, except that:

B. Fees for storage vessels containing petroleum liquids or gases listed in Table ~~17.08.230B~~ 17.12.550B apply in addition to the fees assessed under Table ~~17.08.230A~~ 17.12.550A, and

C. If the a source contains equipment listed in Table ~~17.08.230B~~ which 17.12.550B is not an integral part of the permit a source under listed in Table ~~17.08.230A~~ 17.12.550A, the fees required in Table ~~17.08.230B~~ 17.12.550B shall also apply. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1990-113 \$ 3, 1990; Ord. 1989-165 \$ 17 (part), 1989; Ord. 1987-175 \$ 12, 1987; Ord. 1986-227 \$ 1 (part), 1986; Ord. 1983-196 (part), 1983; Ord. 1981-12 (part), 1981; Ord. 1979-93 (part), 1979)

17.12.560 Reinspection Fee.

A reinspection fee shall be assessed to each source that requires reinspection based on noncompliance of this title as determined during the normal annual inspection (including the initial inspection of a new source). Such fee shall be determined based on existing fee schedules for each equipment or process that must be reinspected. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993)

~~17.08.225~~ 17.12.570 Payment of inspection fees.

A. The control officer shall provide the applicant with a written invoice after an inspection or reinspection is conducted at a facility..

1. If fee is not received within thirty days of invoicing, a charge for late payment not to exceed ten percent may be assessed.

2. If fee is not received within forty-five days of invoicing, the operating permit may be revoked, and the control officer shall so notify the applicant by certified mail.

B. If an operating permit has been revoked for failure to pay an inspection or reinspection fee, a subsequent application for a new operating permit shall be subject to all requirements and fees associated with a new permit application.  
(Ord. 1993-\_\_\_ \$ \_\_\_, 1993)

17.12.580 Emission Fee.

A. The owner or operator of each source required to obtain a permit pursuant to Title V of the Act (Permits) shall pay an annual emission fee equal to \$33.00 per year per ton (or fraction thereof) of actual emissions of regulated pollutants that exceeds 160 tons per year. The rate of \$33.00 shall be adjusted for the date of payment pursuant to subdivision 4 of this subsection.

1. For purposes of this subsection, actual emissions means the actual quantity of regulated pollutants emitted over the calendar year ending at least twelve months previous, or any other period determined by the control officer to be representative of normal source operations, determined as follows.

a. Emissions quantities, including fugitive emissions, reported pursuant to 17.12.320, or pursuant to an emissions inventory required prior to the effective date of 17.12.320, shall be used for purposes of calculating the permit fee to the extent they are calculated in a manner consistent with this paragraph. Acceptable methods for calculating actual emissions pursuant to 17.12.320 include the following:

(i) Emissions estimates calculated from continuous emissions monitors certified pursuant to 40 CFR Part 75, Subpart C and referred appendices, as published in the Federal Register on January 11, 1993 (and no later editions) which is incorporated herein by reference, and is on file with the control officer, or data quality assured pursuant to Appendix F of 40 CFR, Part 60.

(ii) Emissions estimates calculated from source performance test data.

(iii) Emissions estimates calculated from material balance using engineering knowledge of process.

(iv) Emissions estimates calculated using AP-42 emissions factors.

(v) Emissions estimates calculated by equivalent methods approved by the control officer. The control officer shall only approve methods that are demonstrated as accurate and reliable as the applicable method in items (i) through (iv) of this paragraph.

b. Actual emissions shall be determined for each source on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.

2. For purposes of this Section, regulated pollutants consist of the following:

a. Nitrogen oxides or any volatile organic compounds.

b. Conventional air pollutants, except carbon monoxide.

c. Any pollutant that is subject to any standard promulgated under section 111 of the Act (Standards of Performance for New Stationary Sources), including fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur and reduced sulfur compounds.

d. Any federally listed hazardous air pollutant that is subject to a standard promulgated by the Administrator under Section 112 of the Act (Hazardous Air Pollutants) or other requirement established under Section 112 of

the Act, including sections 112 (g), (j) and (r) of the Act. Federally listed hazardous air pollutants subject to requirements established under section 112 of the Act include the following:

(i) Any pollutant subject to requirements under Section 112(j) of the Act (Hazardous Air Pollutants). If the Administrator fails to promulgate a standard by the date established pursuant to Section 112 (e) of the Act, any pollutant for which a subject source would be considered major under Section 112(a)(1) of the Act shall be considered to be regulated on the date eighteen months after the applicable date established pursuant to Section 112(e) of the Act.

(ii) Any pollutant for which the requirements of Section 112(g)(2) of the Act (Hazardous Air Pollutants) have been met, but only with respect to the individual source subject to Section 112(g)(2) requirements.

3. The following emissions of regulated pollutants shall be excluded from a source's actual emissions for purposes of this section:

a. Emissions of a regulated pollutant from the source in excess of 4,000 tons per year.

b. Emissions of any regulated pollutant that are already included in the fee calculation for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM<sub>10</sub>.

c. Emissions from insignificant activities excluded from the permit for the source pursuant to 17.12.160.E.7.

4. Beginning in 1995, the \$33 per ton per year fee shall be adjusted each year on January 1 to reflect the increase, if any, by which the Consumer Price Index for the most recent year exceeds the Consumer Price Index for year ending in 1993. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each year. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993)

#### 17.12.590 Permit transfer notice review fees.

A. Permit transfer notifications required under the provisions of 17.12.290 shall be subject to a completeness review fee.

B. The control officer shall assess the completeness review fee at a rate of \$58.00 per hour.

#### ~~17.08.240~~ 17.12.600 Conditional ~~permit~~ order (variance) fees.

A. An applicant for a conditional ~~permit~~ order (variance) shall pay a filing fee of ~~forty-eight~~ one hundred and fifty dollars.

B. An applicant for a conditional ~~permit~~ order (variance) approved by the ~~hearing board~~ control officer shall pay a conditional ~~permit~~ order fee at a rate of \$58.00 per hour required to process the order. ~~equal to twice the required operating permit fee or burning permit fee~~. (Ord. 1990-113 § 11, 1990: Ord. 1989-165 § 17 (part), 1989:Ord. 1983-196 (part), 1983; Ord. 1979-93 (part), 1979)

#### ~~17.08.250~~ 17.12.610 Payment of permit fees.

A. Before a permit which requires a fee is issued, the control officer shall provide the applicant with a written invoice.

1. The control officer shall invoice a new permit at the time he decides to grant the permit.

~~2. The control officer shall invoice a permit renewal prior to the permit expiration date.~~

a. If fee is not received within thirty days of invoicing, a charge for late payment not to exceed ten percent of the fee (based upon the additional cost incurred in collecting the fee) may be assessed.

b. If fee is not received within forty-five days of invoicing, the permit application ~~shall~~ may be canceled, and the control officer shall so notify the applicant by certified mail.

B. If a permit application has been canceled for failure to pay a fee, a subsequent application shall be subject to the late charge established above. (Ord. 1989-165 § 17 (part), 1989: Ord. 1979-93 (part), 1979)

~~17.08.260~~ 17.12.620 Refund of permit fees.

~~A.~~ No fees shall be refunded except those paid in excess of the amount required. An excess payment shall be refunded upon the written request of the permittee within one year of overpayment. (Ord. 1989-165 § 17 (part), 1989: Ord. 1979-93 (part), 1979)

~~17.08.270~~ 17.12.630 Fees for duplicate permits.

A. A request for a duplicate equipment operating permit shall be made in writing by the permittee to the control officer within ten days of loss or defacement of a permit.

~~B.~~ Such a request should state the reason a duplicate is requested.

~~2C.~~ A fee of seven dollars and fifty cents plus one dollar per page shall be charged for issuing a duplicate permit. (Ord. 1993-     \$     , 1993: Ord. 1990-113 § 12, 1990: Ord. 1989-165 § 17 (part), 1989: Ord. 1983-196 (part), 1983: Ord. 1979-93 (part), 1979)

~~17.08.280~~ 17.12.640 Permit-fee studies related to inflation.

A. At least once each year the control officer shall reevaluate his total permit-related service cost and send the results of the evaluation to the environmental quality advisory council.

B. Within thirty days of a decision by the Board of Supervisors to award a cost-of-living-allowance (COLA) to a majority of Pima County employees, the control officer shall reevaluate his total permit-related service cost, and send the results of the reevaluation to the environmental quality advisory council.

C. If the results indicate that the total permit-related service cost has increased since the date of adoption of this ~~Code Title~~ or subsequent amendments, the control officer shall propose to increase all applicable permit fees ~~schedules~~ by the percentage increase in service cost.

D. Consistent with the need to cover all reasonable direct and indirect costs associated with administering the operating permit program, including costs of:

1. reviewing and acting upon permit applications;
2. implementing and enforcing the terms and conditions of a permit (but not including court costs);
3. emissions and ambient monitoring related to permitted sources;



4. preparing applicable regulations or guidance;
5. modeling, analyses, and demonstrations; and
6. preparing inventories and tracking emissions;

the control officer shall annually recommend to the Board of Supervisors any necessary increase in permit program fees. An amount equal to the percentage by which the Consumer Price Index for that calendar year exceeds the Consumer Price Index for the calendar year 1989 of the last fee adjustment may be used as a general guideline.

E. The environmental quality advisory council shall review the control officer's proposed adjustments to the fee schedules and forward its recommendations to the Board of Supervisors within thirty days of receipt of the control officer's study.

F. The Board of Supervisors shall hold a public hearing on the proposed permit fee increase before taking appropriate action. (Ord. 1991-136 § 9, 1991; Ord. 1989-165 § 17 (part), 1989; Ord. 1979-93 (part), 1979)

~~17.08.290~~ 17.12.650 Periodic review of individual fee schedules.

A. At least once every five years, the control officer shall reevaluate the service costs associated with individual classes of sources, and propose appropriate adjustments.

B. Detailed justifications for the fee adjustments shall be made by the control officer. The control officer and the environmental quality advisory council shall jointly conduct study sessions, and provide opportunities for conferences and public hearings with all affected source operators before recommending to the Board of Supervisors significant adjustments to any individual fee schedule. (Ord. 1991-136 § 10, 1991; Ord. 1989-165 § 17 (part), 1989; Ord. 1979-93 (part), 1979)

**Table ~~17.08.045~~ 17.12.480**  
**OPEN BURNING PERMIT/NONPERMIT REQUIREMENTS**

**Types of Outdoor Fires Which Require Temporary Open Burning Permits**

1. The burning of tumbleweeds where there is no reasonable alternate method of disposal.
2. The simulation of historical or fictional events.

**Types of Outdoor Fires Which Require Extended Open Burning Permits**

1. The burning of vegetation from agricultural ditch banks, fence rows, or canal laterals, using high temperature mechanical burners, where no reasonable alternate method or removal is available.
- ~~2. The burning of debris obtained from the initial land clearance of native vegetation, only when the land is to be used for agricultural or construction purposes, the area in which the burning is to be conducted is one-half mile or farther from the nearest residence, and there is no reasonable alternate method of disposal.~~
- ~~3- 2.~~ The burning of Sacaton grass in remote nonurban areas for the purpose of vegetative rehabilitation.

**Types of Outdoor Fires Which Do Not Require Open Burning Permits If Set or Supervised by a Public Official in the Performance of Official Duty<sup>1</sup>**

1. Burning for the purpose of weed abatement.
2. Burning for the prevention of a fire hazard.
3. Burning for the training of firefighters.
4. Burning for the purpose of watershed rehabilitation or control through vegetation manipulation.
5. Burning for the purpose of disease and pest prevention.
6. Burning for the disposal of dangerous materials where there is no safe alternate method of disposal.
7. Fires which are necessary for the training of governmental officials in criminal-enforcement or national-defense activities.

**Types of Outdoor Fires Which Do Not Require Open Burning Permit**

1. The domestic cooking of food.
2. The providing of warmth for human beings.
3. Fires for recreational purposes.
4. Fires used for the branding of animals.
5. Flares used for public safety purposes during emergencies.
6. Fires for religious or patriotic purposes.
7. Orchard heaters for the purpose of frost protection in farming or nursery operations.

<sup>1</sup> The control officer must be informed in writing prior to the setting of the fire and the official must conduct the burning in a manner and at times approved by the control officer. (The control officer shall not specify times and conditions which would defeat the purpose of the intended burning.)

<sup>2</sup> City or town jurisdictions may require permits for these types of fires.

(Ord. 1987-175 § 13, 1987: Ord. 1979-93 (part), 1979)

~~Table 17.08.220~~ 17.12.530  
**OPEN BURNING PERMIT FEE SCHEDULES**

S.S. <sup>1</sup>	Permit Activity	Rate Components	Minimum Fee
A	Temporary Open Burning	<del>\$11.20</del> <u>\$16.13</u> base, plus <del>\$2.45</del> <u>\$3.53</u> per day of burning	<del>\$12.65</del> <u>\$19.66</u>
B	Extended Open Burning	<del>\$18.40</del> <u>\$26.50</u> base, plus <del>\$2.45</del> <u>\$5.00</u> per day of burning	<del>\$21.85</del> <u>\$31.50</u>

<sup>1</sup>Sub-schedule for identification only.

(Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1990-113 § 13, 1990; Ord. 1989-165 § 17  
(part), 1989; Ord. 1979-93 (part), 1979)

**Table ~~17.08.230D~~ 17.12.540**  
**~~FEE FOR ACTIVITY EQUIPMENT OPERATING PERMITS~~**  
**ACTIVITY PERMIT FEES, SCHEDULE**

S.S. <sup>1</sup>	PERMIT ACTIVITY	RATE COMPONENTS	EXEMPTIONS
A	Landstripping and/or Earthmoving	1 to 5 acres <del>\$62.00</del> <u>\$89.28</u> plus <del>\$6.20</del> <u>\$8.93</u> per each additional acre or fraction thereof	< 1 acre
B	Trenching	300 feet of aggregate trenching <del>\$12.40</del> <u>\$17.86</u> base plus <del>0.025</del> <u>\$0.036</u> per each additional ft.	< 300 ft.; <u>trenching for landscaping</u>
C	Road Construction	50 ft. of aggregate road construction <del>\$12.40</del> <u>\$17.86</u> base plus <del>\$0.06</del> <u>\$0.09</u> per each additional ft.	< 50 ft.
D	<del>Removal of materials containing asbestos from a structure</del> Activity at NESHAP facilities:  1. Removal of RACM at or above EPA threshold amounts.  2. Removal of RACM below EPA threshold amounts, and any amount of Category I or II ACM.  3. Removal of ACRM.  4. Removal of RACM during annual Operation & Maintenance activities.  5. Demolition (after removal of all ACM).	  <u>\$420.00</u>  <u>\$120.00</u>  <u>\$40.00</u>  <u>\$25.00</u>  <u>\$200.00</u>	  <u>See Note 1</u>  <u>None</u>  <u>None</u>  <u>None</u>  <u>None</u>
E	<del>Demolition of structure not containing asbestos materials</del> Activity at non-NESHAP facilities:  1. Removal of ACM from a structure other than a single-family dwelling unit.  2. Demolition of a structure other than a single-family dwelling unit after removal of all ACM.  3. Demolition of a single-family dwelling unit.	<del>\$12.50</del>  <u>\$35.00</u>  <u>\$30.00</u>  <u>\$30.00</u>	  <u>See Note 2</u>  <u>&lt; 100 sq. ft.</u>  <u>&lt; 100 sq. ft.</u>
F	Blasting	<del>\$12.50</del> <u>\$18.00</u> plus <del>\$2.45</del> <u>\$3.53</u> per day of blasting	None

Exemptions Notes:

- < 260 linear feet on pipes; < 160 square feet on other facility components; < 35 cubic feet off facility components
- < 21 linear feet on pipes; < 9 square feet surface area; < 3 cubic feet of bagged material

**Table -17.08.230D- 17.12.540**  
**~~FEE FOR ACTIVITY EQUIPMENT OPERATING PERMITS~~**  
**ACTIVITY PERMIT FEES SCHEDULE (continued)**

S.S. <sup>1</sup>	Activity	RATE COMPONENTS	Exemptions
<del>G</del>	<del>Mining</del>	<del>\$31.00</del>	<del>None</del>
<del>H</del>	<del>Sanitary Landfills</del>	<del>\$31.00</del>	<del>None</del>
G	Excavation of contaminated soil and storage for less than 15 days (see NOTE)	1 to 50 cubic yards \$89.28 plus \$8.93 for each additional 10 cubic yards or fraction thereof	<1 cubic yard
H	Storage of contaminated soil that is not being treated under a remediation program permitted pursuant to this title. (see NOTE)	\$15.00 base plus \$1.00 per cubic yard per month of storage	<15 days; <1 cubic yard; soil stored in closed drums

NOTE: Contaminated soil is: (a) soil containing one or more contaminants equal to, or greater than, the Human Health Based Guidance Levels for Soil determined by ADEQ, June, 1992; (b) soil which meets the definition of an environmental nuisance in Title 7 of the Pima County Code; or (c) soil which meets the definition of a RCRA hazardous waste. Contaminated soil does not include asphaltic concrete returned to the plant for recycling.

**Example permit fee calculations**

1. <del>Example:</del> Permit for clearing 4 acres =	<del>\$62.00</del>	<u>\$89.28</u>
2. Permit for earthmoving on 9 acres =	<del>\$62.00</del>	<u>\$ 89.28</u> - first 5 acres
plus 9 - 5 = 4 X <del>\$6.20</del> <u>\$8.93</u> =	<del>\$24.80</del>	<u>\$ 35.72</u> - last 4 acres
TOTAL	<del>\$86.80</del>	<u>\$125.00</u>
3. Permit, trenching 500 ft.:		
Base fee, 300 ft. or more =	<del>\$12.40</del>	<u>\$17.86</u>
plus 500 ft - 300 ft = 200 X <del>\$0.025</del> <u>\$0.036</u> =	<del>\$ 5.00</del>	<u>\$ 7.20</u>
TOTAL	<del>\$17.40</del>	<u>\$25.06</u>

<sup>1</sup>Sub-schedule for identification only.

(Ord. 1990-113 § 16, 1990: Ord. 1989-165 § 17 (part), 1989: Ord. 1987-175 § 18, 1987

**Table ~~17.08.230A~~ 17.12.550A**  
**~~EQUIPMENT OPERATING PERMIT FEE SCHEDULES FOR CATEGORICAL SOURCES~~**  
**INSPECTION FEE SCHEDULE A**  
 (Aggregate megawatt, BTU/hr, gal, and sqft separately)

S.S. <sup>1</sup>	<del>Permit</del> Operation	Rate Components
A	Animal Feed Processing Plant	<del>\$531.50</del> <u>\$765.36</u> base, plus <del>\$3.45</del> <u>\$4.97</u> per hp. of equipment
B	Aluminum Sweating Plant	<del>\$798.00</del> <u>\$1149.12</u> base per sweating furnace, plus <del>\$6.50</del> <u>\$9.36</u> per sq. ft. of maximum cross-sectional area of primary sweating chamber
C	Hot-Mix Asphalt Plant	<del>\$628.00</del> <u>\$904.32</u> per plant
D	Brick and/or Block Mfg. Plant	<del>\$265.00</del> <u>\$381.60</u> base per plant, plus <del>\$3.45</del> <u>\$4.97</u> per hp. of equipment
E	Chemical Mfg. Plant (not otherwise covered herein)	<del>\$16.75</del> <u>\$24.12</u> base, plus <del>\$0.45</del> <u>\$0.65</u> per 100 gal. of total liquid and gaseous reagent and product storage capacity, plus <del>\$0.07</del> <u>\$0.10</u> per 1000 Btu/hr. fuel burning equipment, plus <del>\$5.05</del> <u>\$7.27</u> per hp. of equipment
F	Concrete Batch Plant	FOR PLANTS < 20 hp.: <del>\$16.75</del> <u>\$24.12</u> base, plus <del>\$14.00</del> <u>\$20.16</u> per hp. of equipment FOR PLANTS ≥ 20 hp.: <del>\$296.00</del> <u>\$426.24</u> per plant
G	Cotton Gin	<del>\$1,500.00</del> <u>\$1080.00</u> per gin
H	Metallic-Ore Processing Plant (e.g., copper, molybdenum, etc.)	EITHER <del>\$531.50</del> <u>\$765.36</u> base, plus <del>\$0.25</del> <u>\$0.36</u> per 1000 Btu/hr. fuel burning equipment, plus <del>\$0.10</del> <u>\$0.14</u> per hp. of equipment;  OR <del>\$52.00</del> <u>\$74.88</u> base, plus <del>\$0.03</del> <u>\$0.04</u> per 1000 Btu/hr. fuel burning equipment, plus <del>\$3.05</del> <u>\$4.39</u> per hp. of equipment; whichever of the above is smaller
I	Fossil-Fuel Fired Steam Gen. Plant (e.g., oil, gas, or coal burning electric power plant)	<del>\$363.00</del> <u>\$522.72</u> base, plus <del>\$8.60</del> <u>\$12.38</u> per megawatt generating capacity
J	Rendering Plant	<del>\$530.00</del> <u>\$763.20</u> base, plus <del>3.45</del> <u>\$4.97</u> per hp. of equipment, plus <del>\$0.06</del> <u>\$0.09</u> per 1,000 Btu./hr. fuel burning equipment

<sup>1</sup> Sub-schedule for identification only.

Table ~~17.08.230A~~ 17.12.550A  
~~EQUIPMENT OPERATING PERMIT FEE SCHEDULES FOR CATEGORICAL SOURCES~~  
INSPECTION FEE SCHEDULE A (continued)  
(Aggregate megawatt, BTU/hr, gal, and sqft separately)

S.S. <sup>1</sup>	<del>Permit</del> Operation	Rate Components
K	Rock Crushing Plant and/or Sand and Gravel Screening Plant <u>(except non-motorized screens)</u>	<del>\$34.70</del> \$49.97 base, plus <del>\$2.00</del> \$2.88 per hp. of equipment
L	Fuel Pipeline Transmission Facilities	<del>\$175.00</del> \$252.00 per compressor plus <del>\$0.05</del> \$0.07 per hp. of equipment
M	Incinerator	<del>\$42.15</del> \$60.70 base, plus <del>\$10.60</del> \$15.26 per sq. ft. of maximum cross sectional area of primary combustion chamber.

<sup>1</sup> Sub-schedule for identification only.

(Ord. 1993-\_\_\_ \$ \_\_\_, 1993: Ord. 1990-113 \$ 14, 1991: Ord. 1989-165 \$ 17 (part), 1989: Ord. 1987-175 \$ 15, 1987: Ord. 1983-196 (part), 1983; Ord 1981-12 (part), 1981; Ord. 1979-93 (part), 1979)

**Table ~~17.08.230B~~ 17.12.550B**  
**~~EQUIPMENT OPERATING PERMIT FEE SCHEDULES FOR NONCATEGORICAL SOURCES~~**  
**INSPECTION FEE SCHEDULE B**

S.S. <sup>1</sup>	Permit- Equipment	Rate Components
A	Printing Press (Web Feed)	<del>\$12.40</del> <u>\$17.86</u> base, plus <del>\$4.95</del> <u>\$7.13</u> per press
	Printing Press (Cut Sheet feed)	<del>\$10.00</del> <u>\$14.40</u> base, plus <del>\$0.03</del> <u>\$0.03</u> per square inch of printing surface
B	Petroleum-Liquid Storage and Delivery Vessels	FOR CAPACITIES $\leq 40,000$ GAL. PER VESSEL: <del>\$22.60</del> <u>\$33.98</u> per vessel plus <del>\$0.85</del> <u>\$1.22</u> per 1,000 gal.  FOR CAPACITIES $> 40,000$ GAL. PER VESSEL: <del>\$122.00</del> <u>\$190.08</u> per vessel, plus <del>\$0.05</del> <u>\$0.07</u> per 1,000 gal.  FOR DELIVERY VESSEL CERTIFICATION STICKERS: <del>\$21.00</del> <u>\$44.64</u> per delivery vessel per year
C	Non-petroleum Liquid and/or Gaseous Storage Vessel (storage of air polluting liquids or gasses only)	<del>\$22.60</del> <u>\$33.98</u> per vessel, plus <del>\$0.85</del> <u>\$1.22</u> per 1,000 gal.
D	Natural Gas and/or LPG Fuel Burning Equipment (Aggregated Total Heat Ratings)	FOR HEAT RATINGS $< 5,000,000$ Btu./hr.: <del>\$11.20</del> <u>\$16.13</u> base, plus <del>\$2.60</del> <u>\$3.74</u> per 100,000 Btu./hr.  FOR $5,000,000 < \text{Btu./hr.} < 20,000,000$ : <sup>2</sup> <del>\$76.20</del> <u>\$109.87</u> base, plus <del>\$1.20</del> <u>\$1.87</u> per 100,000 Btu./hr.  FOR HEAT RATINGS $> 19,999,999$ Btu./hr.: <del>\$206.75</del> <u>\$441.72</u> base, plus <del>\$0.14</del> <u>\$0.20</u> per 100,000 Btu./hr.
E	Non-Natural Gas, Non-LPG Fuel Burning Equipment (Aggregated Total Heat Ratings)  Hazardous Waste, Hazardous Waste Fuel, Used Oil and Used Oil Fuel Burning Equipment used for energy recovery only (Aggregated Total Heat Ratings)	FOR HEAT RATINGS $< 5,000,000$ Btu./hr.: <del>\$72.00</del> <u>\$103.68</u> base, plus <del>\$3.20</del> <u>\$4.61</u> per 100,000 Btu./hr. FOR $5,000,000 < \text{Btu./hr.} < 20,000,000$ : <sup>2</sup> <del>\$90.00</del> <u>\$129.60</u> base, plus <del>\$2.80</del> <u>\$4.03</u> per 100,000 Btu./hr. FOR HEAT RATINGS $> 19,999,999$ Btu./hr.: <del>\$572.00</del> <u>\$825.12</u> base, plus <del>\$0.40</del> <u>\$0.58</u> per 100,000 Btu./hr.  FOR HEAT RATINGS $< 5,000,000$ Btu./hr.: <del>\$72.00</del> <u>\$103.68</u> base, plus <del>\$3.20</del> <u>\$4.61</u> per 100,000 Btu./hr. FOR $5,000,000 < \text{Btu./hr.} < 20,000,000$ : <sup>2</sup> <del>\$90.00</del> <u>\$129.60</u> base, plus <del>\$2.80</del> <u>\$4.03</u> per 100,000 Btu./hr. FOR HEAT RATINGS $> 19,999,999$ Btu./hr.: <del>\$572.00</del> <u>\$825.12</u> base, plus <del>\$0.40</del> <u>\$0.58</u> per 100,000 Btu./hr.

<sup>1</sup> Sub-schedule for identification only.

<sup>2</sup> Means HEAT RATINGS  $\geq 5,000,000$  Btu./hr. but  $< 20,000,000$  Btu./hr.



**Table ~~17.08.230B~~ 17.12.550B (continued)**  
**~~EQUIPMENT OPERATING PERMIT FEE SCHEDULES FOR NONCATEGORICAL SOURCES~~**  
**INSPECTION FEE SCHEDULE B**

S.S. <sup>1</sup>	<del>Permit</del> Equipment	Rate Components
F	Motors and/or Engines (used to drive air polluting equipment) and all internal combustion engines <del>not defined as Emergency Generators or Standby Motors</del>	FOR POWER RATINGS < 500 hp. PER ENGINE: <del>\$16.75</del> \$24.12 base, plus <del>\$0.85</del> \$1.22 per hp. FOR POWER RATINGS ≥ 500 hp. PER ENGINE: <del>\$432.00</del> \$622.08
G	Abrasive Blasting	<del>\$76.80</del> \$110.59 per unit of equipment
H	Surface Coating Operations and/or Paint Spray Booths (for air polluting operations only)	<del>\$55.75</del> \$80.28 per unit of equipment or paint spray booth
I	Asphalt Kettles and/or Asphalt Tankers used in Roofing Operations	<del>\$57.00</del> \$82.08 per kettle or equipment unit
J	Dry Cleaning Equipment	<del>\$61.30</del> \$88.27 base, plus <del>\$0.18</del> 0.26 per pound of rated capacity of machines
K	<del>Emergency Generator and/or Standby Motor</del> <u>Reserved</u>	For Power ratings < 501 hp. per engine: \$12.40 base, plus \$0.31 per hp. For power ratings > 500 hp. per engine: \$167.00
L	Solvent Degreasing Unit	<del>\$52.65</del> \$75.82 per solvent degreasing unit → 29- = > 30 gal. capacity <del>\$18.60</del> \$26.78 per solvent degreasing unit < 30 gal. capacity
M	Miscellaneous Air Polluting Equipment	<del>\$48.00</del> \$69.12 per piece of equipment or operational unit
N	Solvent Degreasing Operation (as defined)	<del>\$14.85</del> \$21.38 per operation
<u>O</u>	<u>Mining</u>	<del>\$31.00</del> \$44.64
<u>P</u>	<u>Sanitary Landfills</u>	<del>\$31.00</del> \$44.64

<sup>1</sup> Sub-schedule for identification only.

<sup>2</sup> Means HEAT RATINGS > 5,000,000 Btu./hr. but < 20,000,000 Btu./hr.

**Table ~~17.08.230B~~ 17.12.550B (continued)**  
**~~EQUIPMENT OPERATING PERMIT FEE SCHEDULES FOR NONCATEGORICAL SOURCES~~**  
**INSPECTION FEE SCHEDULE B EXEMPTIONS**

S.S. <sup>1</sup>	<del>Permit</del> Equipment	Exemptions
A	Printing Press (Web Feed) Printing Press (Cut Sheet feed)	— Total VOC use ≤ 2.4 lb/day
B	Petroleum-Liquid Storage and Delivery Vessels	< 250 gal and all LPG pressurized storage vessels.
C	Non-petroleum Liquid and/or Gaseous Storage Vessel (storage of air polluting liquids or gases only)	<u>Pressurized storage vessels</u>
D	Natural Gas and/or LPG Fuel Burning Equipment (Aggregated Total Heat Ratings)	< 500,000 BTU/hr aggregate or < 2,000,000 BTU/hr aggregate, with no single item = > 300,000 BTU/hr
E	Non-Natural Gas, Non-LPG Fuel Burning Equipment (Aggregated Total Heat Ratings)  Hazardous Waste, Hazardous Waste Fuel, Used Oil and Used Oil Fuel Burning Equipment used for energy recovery only (Aggregated Total Heat Ratings)	< 500,000 Btu./hr.  —
F	Motors and/or Engines (used to drive air polluting equipment) and all internal combustion engines	<u>Emergency Generators and Standby Motors</u>
G	Abrasive Blasting	—
H	Surface Coating Operations and/or Paint Spray Booths (for air polluting operations only)	<u>Operations where all material used is purchased in containers of 1 quart size or less, no heat curing of any coated product, and total VOC use is &lt; 2.4 lb per day.</u>
I	Asphalt Kettles and/or Asphalt Tankers used in Roofing Operations	—
J	Dry Cleaning Equipment	—
K	RESERVED	—
L	Solvent Degreasing Unit	< 2 gal.
M	Miscellaneous Air Polluting Equipment	<u>Uncontrolled emissions &lt; 2.4 lb/day of VOC and &lt; 5.5 lb/day of all air contaminants.</u>
N	Solvent Degreasing Operation (as defined)	<u>Operations where all material used is purchased in containers of 1 quart size or less, and total VOC use is &lt; 2.4 lb per day.</u>
<u>Q</u>	<u>Mining</u>	<u>None</u>
<u>P</u>	<u>Sanitary Landfills</u>	<u>None</u>

<sup>1</sup> Sub-schedule for identification only.

**NOTE:** Exemption levels established in fee schedules A and B do not apply to sources within an exempt category if a permit would otherwise be required under any other Federal, State, or Pima County provision.

(Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1991-136 \$ 8, 1991; Ord. 1990-113 \$ 15, 1990; Ord. 1989-165 \$ 17 (part), 1989; Ord. 1987-175 \$ 16, 1987; Ord. 1983-196 (part), 1983; Ord. 1981-12 (part), 1981; Ord. 1979-93 (part), 1979)

Section 4. That chapter 17.16 of the Pima County Code is amended to read as follows:

#### Chapter 17.16 EMISSION LIMITING STANDARDS

##### Sections:

##### Article I. General Provisions

- 17.16.010 Local rules and standards; applicability of more than one standard.
- 17.16.020 Noncompliance with applicable standards.
- 17.16.030 Emission Limiting Standards.

##### Article II. Visible Emission Standards.

- 17.16.040 Standards and applicability (Includes NESHAP).
- 17.16.050 Visibility limiting standard.

##### Article III. Emissions from Existing and New Nonpoint Sources.

- 17.16.060 Fugitive dust producing activities.
- 17.16.070 Fugitive dust emissions standards for motor vehicle operation.
- 17.16.080 Vacant lots and open spaces.
- 17.16.090 Roads and streets.
- 17.16.100 Particulate materials.
- 17.16.110 Storage piles.
- 17.16.120 Mineral tailings.

##### Article IV. New and Existing Stationary Source Performance Standards.

- 17.16.130 Applicability.
- 17.16.140 Compilation of mass rates and concentrations.
- 17.16.150 Hazardous Waste, Hazardous Waste Fuel, Used Oil, and Used Oil Fuel Burning Equipment.
- 17.16.160 Standards of performance for fossil-fuel fired steam generators and general fuel burning equipment.
- 17.16.165 Standards of performance for fossil-fuel fired industrial and commercial equipment.
- 17.16.170 Incinerators.
- 17.16.180 Standards of performance for portland cement plants.
- 17.16.190 Standards of performance for nitric acid plants.
- 17.16.200 Standards of performance for sulfuric acid plants.
- 17.16.210 Standards of performance for asphalt concrete plants.
- 17.16.220 Standards of performance for petroleum refineries.
- 17.16.230 Standards of performance for storage vessels for petroleum liquids.
- 17.16.240 Standards of performance for secondary lead smelters.
- 17.16.250 Standards of performance for secondary brass and bronze ingot production plants.
- 17.16.260 Standards of performance for iron and steel plants.
- 17.16.270 Standards of performance for sewage treatment plants.
- 17.16.280 Standards of performance for primary copper smelters; site specific requirements.
- 17.16.290 Standards of performance for primary copper smelters; compliance and monitoring.
- 17.16.300 Standards of performance for primary copper smelters; fugitive emissions.
- 17.16.310 Standards of performance for coal preparation plants.
- 17.16.320 Standards of performance for steel plants: electric arc furnaces (EAF).
- 17.16.330 Standards of performance for kraft pulp mills.
- 17.16.340 Standards of performance for stationary rotating machinery.
- 17.16.350 Standards of performance for lime manufacturing plants.
- 17.16.360 Standards of performance for nonferrous metals industry sources.
- 17.16.370 Standards of performance for gravel or crushed stone processing plants.
- 17.16.380 Standards of performance for concrete batch plants.

- 17.16.400 Solvents and other organic materials.
- 17.16.410 Standards of performance for cotton gins.
- 17.16.420 Standards of performance for existing ammonium sulfide manufacturing plants.
- 17.16.430 Standards of performance for unclassified sources.

**Article V. Emissions from New and Existing Portable Sources.**

- 17.16.440 Classification of portable sources.
- 17.16.450 Off-road machinery.
- 17.16.460 Heater-planer units.
- 17.16.470 Roadway and site cleaning machinery.
- 17.16.480 Asphalt or tar kettles.

**Article VI. New Source Performance Standards.**

- 17.16.490 Standards of performance for new stationary sources (NSPS).
- 17.16.500 Standards of performance for fossil-fuel fired steam generators.
- 17.16.510 Standards of performance for incinerators.
- 17.16.520 Standards of performance for storage vessels for petroleum liquids.

**Article VII. National Emission Standards for Hazardous Air Pollutants.**

- 17.16.530 National Emissions Standards for Hazardous Air Pollutants (NESHAP).
- 17.16.540 Pima County requirements for asbestos renovation and demolition projects.

**Article VIII. New Major Sources and Major Modifications to Existing Major Sources.**

- 17.16.550 General.
- 17.16.560 Permits for sources located in nonattainment areas.
- 17.16.570 Offset and net air quality benefit standards.
- 17.16.580 Special rule for sources of VOC or oxides of nitrogen in ozone nonattainment areas classified as serious or severe.
- 17.16.590 Permit requirements for sources located in attainment and unclassifiable areas.
- 17.16.600 Air quality impact analysis and monitoring requirements.
- 17.16.610 Innovative control technology.
- 17.16.620 Air quality models.
- 17.16.630 Visibility protection.
- 17.16.640 Special rule for non-operating sources of sulfur dioxide in sulfur dioxide nonattainment areas.

**Article IX. Emissions of Hazardous Air Pollutants (HAPS).**

(Reserved)

**Article X. Ozone depleting substances.**

- 17.16.650 Sale and use of refrigerant substitutes.

**Article I. General Provisions.**

- 17.16.010 Local rules and standards; Applicability of more than one standard.

A. The requirements of this chapter shall apply to all sources of air contaminants operating in Pima County, including those sources under the jurisdiction of the Arizona Department of Environmental Quality.

B. A rule, emission standard, or standard of performance may be adopted or amended that differs from a rule, emission standard or standard of performance for similar sources adopted by the director only after a written finding by the control officer based upon credible scientific evidence that a different rule,

emission standard or standard of performance is necessary and feasible to prevent a significant threat to public health or the environment that results from a unique local condition existing in the county.

C. If more than one emission limit or emission standard is applicable to the same source, the more stringent standard or emission limit shall apply.

D. The owner or operator of any stationary or portable source of air pollution which burns any material, except natural gas, shall keep complete records of the materials used as fuel. The owner or operator of any stationary or portable source of air pollution which incinerates any material shall keep complete records of all materials incinerated.

E. Any facility described in 17.16.010.C. utilizing any fuel source or incinerating any material which the operator has any cause to believe may be a hazardous waste shall test such material to determine if the material is a hazardous waste prior to burning or incinerating the material. If the material is a hazardous waste, the facility shall comply with section 17.16.150.

F. If the control officer determines that any air contaminant not covered by specific standards in this Title may be emitted by a source and may contribute to adverse effects to human health or adverse environmental effects within the county, the owner or operator shall reduce such emissions by using control technology approved by the control officer. The control officer may exempt the source from the control technology requirement if the owner or operator of the source provides a written demonstration showing that no adverse effects to human health nor any adverse environmental effects shall occur within the county as a result of these emissions. The results of the demonstration, and all supporting documentation, must be submitted to the control officer. The demonstration may take into account, but is not limited to, the following factors:

1. the estimated actual exposure of plant, animal or human life in the vicinity of the source;
2. available epidemiological or other health studies;
3. risks presented by background concentrations of the air contaminant;
4. potential interactions with other air contaminants;
5. uncertainties in risk assessment methodology or other health assessment techniques;
6. negative health or environmental consequences that would result from efforts to reduce the risk; and
7. the availability and effectiveness of control methods beyond those proposed for the source. (Ord. 1993-\_\_\_ § \_\_, 1993)

~~17.12.020~~ 17.16.020 Noncompliance with applicable standards.

A. No person shall cause or permit the planning, construction, installation, erection, modification, use, or operation of an emission source which will cause or contribute to a violation of a performance standard established in this Code Title.

1. The actual emission rates of all identical or reasonably similar emission sources under the control of the same source operator at a contiguous geographical area shall be summed to determine compliance with a mass-emissions discharge standard.

2. A source shall comply with a discharge standard over the full range of the source's operating rates.

B. Where a stack, vent or other outlet is at such a level that fumes, gas mist, odor, smoke, vapor or any combination thereof constituting air pollution are discharged to adjoining property, the control officer may require the installation of abatement equipment or the alteration of such stack, vent or other outlet by the owner or operator thereof to a degree that will adequately reduce or eliminate the discharge of air pollution to adjoining property. (Ord. 1993-\_\_\_ § \_\_\_, 1993; Ord. 1979-93 (part), 1979)

~~17.12.180~~ 17.16.030 Emission Odor Limiting Standards.

A. ~~No person shall cause or permit emissions from malodorous matter to cross a property line between the source and a residential, recreational, institutional, educational, retail sales, hotel, or business premises without minimizing the emissions by applying good modern practices. Except as otherwise provided in subsection C, no person shall cause or permit the discharge from any source, any material or air contaminant which emits an offensive odor which is injurious or detrimental to health and safety, or which in any way interferes with or prevents the comfortable enjoyment of life or property.~~

B. Upon violation of subsection A, the control officer may require or approve a compliance schedule which includes a description of corrective action to be taken by the source to bring itself into compliance with this section and a schedule for interim objectives and final compliance.

C. Emissions not covered by this section are:

1. ~~Malodorous matter shall include but not be limited to paints, acids, alkalies, pesticides, fertilizer, and manure. Emissions from live trees, shrubs, plants, flowers, and domestic gardening.~~

2. ~~This section shall apply to the processing, storing, use, and transporting of malodorous compounds. Emissions from a single-family residence.~~

3. ~~Emissions from live trees, shrubs, plants, flowers, domestic gardening, and residential fireplaces shall not be considered malodorous within the meaning of this section.~~

B. D. ~~The control officer shall not~~ may formally prosecute violations of this section unless when five or more persons from more than one single family residence or place of business register complaints with the control officer during a consecutive twelve-month within a ninety (90) day period ~~regarding the same apparent source of odors~~ emissions. (Ord. 1993-\_\_\_ § \_\_\_, 1993; Ord. 1979-93 (part), 1979)

Article II. Visible Emission Standards.

~~17.12.110~~ 17.16.040 Standards and applicability (Includes NESAP).

A. No person shall cause or permit the effluent from a single emission point, multiple emission point, or fugitive emissions source to have an average optical density equal to or greater than the opacity limiting standards specified in Table ~~17.12.110,~~ 17.16.040 at the end of this chapter, or as otherwise specified in this Title, subject to the following provisions:

1. Opacities (optical densities), as measured in accordance with Method 9, of an effluent shall be measured by a certified visible emissions evaluator with his natural eyes, approximately following the procedures which were used during his certification, or by an approved and precisely calibrated in-stack monitoring instrument.

2. A violation of an opacity standard shall be determined by measuring and recording a set of consecutive, instantaneous opacities, and calculating the arithmetic average of the measurements within the set unless otherwise noted herein. The measurements shall be made at approximately fifteen-second intervals for a period of at least six minutes, and the number of required measurements shall be as specified in Table ~~17.12.110~~ 17.16.040. Sets need not be consecutive in time, and in no case shall two sets overlap. If the average opacity of the set of instantaneous measurements exceeds the maximum allowed by any rule, this shall constitute a violation.

3. The use of air or other gaseous diluents solely for the purpose of achieving compliance with an opacity standard is prohibited.

B. When the presence of uncombined water is the only reason for failure of a source to otherwise meet the requirements of this article, this article shall not apply. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

~~17.12.170~~ 17.16.050 Visibility limiting standard.

A. No person shall cause or permit the airborne diffusion of visible emissions, including fugitive dust, beyond the property boundary line within which the emissions become airborne. In actual practice, the airborne diffusion of visible emissions across property lines shall be prevented by appropriately controlling the emissions at the point of discharge, or ceasing entirely the activity or operation which is causing or contributing to the emissions.

B. This section shall not apply when wind speeds ~~exceeds~~ exceed twenty-five miles per hour (as estimated by an enforcement officer using the Beaufort Scale of Wind-Speed Equivalents, or as recorded by the National Weather Service). This exception does not apply if control measures have not been taken or were not commensurate with the size or scope of the emission source. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1987-175 § 23, 1987; Ord. 1979-93 (part), 1979)

Article III. Emissions from Existing and New Nonpoint Sources.

~~17.08.140~~ 17.16.060 Fugitive dust producing activities.

A. A permittee whose permit specifically allows fugitive dust producing operations or activities is responsible for controlling windblown dust, dust from haul roads, and dust emitted from land clearing, earthmoving, demolition, trenching, blasting, road construction, mining, racing event, and other activities, as applicable.

1. Dust emissions shall be controlled by applying adequate amounts of water, chemical stabilizer, or other effective dust suppressant until the area becomes permanently stabilized by paving, landscaping, or otherwise.

2. The permittee shall not leave land in such a state that fugitive dust emissions (including windblown dust or dust caused by vehicular traffic on the area) would violate this Code Title. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

~~17.12.190~~ 17.16.070 Fugitive dust emissions standards for motor vehicle operation.

~~A. No person shall drive a motor vehicle in a dry wash, river bed or open area in such a way as to cause or contribute to visible dust emissions which then cross property lines into a residential, recreational, institutional, educational, retail sales, hotel or business premises.~~

A. No person shall cause, suffer, allow, or permit a vacant lot, or an urban or suburban open area, to be driven over or used by motor vehicles, trucks, cars,

cycles, bikes, or buggies, or by animals such as horses, without taking reasonable precautions to limit excessive amounts of particulates from becoming airborne. Dust shall be kept to a minimum by using an approved dust suppressant, or adhesive soil stabilizer, or by paving, or by barring access to the property, or by other acceptable means.

B. No person shall operate a motor vehicle for recreational purposes in a dry wash, riverbed or open area in such a way as to cause or contribute to visible dust emissions which then cross property lines into a residential, recreational, institutional educational, retail sales, hotel or business premises.

~~B. C.~~ Any operator of a motor vehicle person found to be in violation of this section shall be guilty of ~~a petty~~ an offense as provided under A.R.S. Section 49-502.

~~C. D.~~ In accordance with the provisions of A.R.S. ~~Section~~ 49-502, peace officers are authorized to issue a notice to appear for any violation of this section. In lieu of issuing a notice to appear, peace officers may file a violation report with the control officer, requesting him to file a complaint alleging a violation of this section pursuant to A.R.S. ~~Section~~ 49-502. (Ord. 1993-\_\_\_ \$ \_\_, 1993; Ord. 1989-165 \$ 19, 1989; Ord. 1982-91 (part), 1982)

~~17.12.100~~ 17.16.080 Vacant lots and open spaces.

A. Dust emissions from the construction, use, alteration, repair, demolition, clearing, leveling, or excavation of any vacant lot, parking area, housing plot, building site, sales lot, playground, livestock feedlot, or other open area, other than those solely used for soil-cultivation or vegetative crop-producing and harvesting agricultural purposes, ~~must~~ shall be minimized by intermittently applying water or other effective dust suppressants to the area, paving, detouring, barring access, or other equivalently effective controls.

B. No vacant lot, housing plot, building site, parking area, sales lot, playground, livestock feedlot, or other open area - other than those used solely for soil-cultivation or vegetative crop-producing and harvesting agricultural purposes - shall be left in such a state after construction, alteration, clearing, leveling, or excavation that naturally induced wind blowing over the area causes visible emissions of airborne dust to diffuse beyond the property lines within which the emissions become airborne. Dust emissions must be permanently suppressed by landscaping, covering with gravel or vegetation, paving, or applying equivalently effective controls.

C. No vacant lot, parking area, sales lot, or other open urban area shall be used by motor vehicles in such a manner that visible dust emissions induced by vehicular traffic on the area diffuse beyond the property boundary lines within which the emissions become airborne.

D. This section shall not apply when wind speeds exceed twenty-five miles per hour (as recorded by the National Weather Service or as estimated by an enforcement officer using the Beaufort Scale of Wind Speed Equivalents) unless control measures have not been taken or were not commensurate with the size or scope of the sources of dust. (Ord. 1993-\_\_\_ \$ \_\_, 1993; Ord. 1987-175 \$ 22, 1987; Ord. 1979-93 (part), 1979)

~~17.12.070~~ 17.16.090 Roads and streets.

A. Dust emissions from an existing unpaved road other than private driveways must be minimized with use of an effective dust suppressant, paving, detouring, barring access, limiting vehicular speeds, or other equivalently effective controls applied to the entire width of the road surface available to vehicular traffic.

B. Dust emissions from the construction phase of a new road must be minimized by applying the same measures specified in subsection A of this section.



C. No new unpaved private driveway shall be constructed unless the road will not be used by more vehicular traffic than that associated with a one - or two-family private residence, and the road will not be adjacent to any recreational, institutional, educational, or retail sales facility.

D. No new unpaved service road or unpaved haul road shall be constructed unless dust will be suppressed after construction by intermittently watering, limiting access, or applying chemical dust suppressants to the road, in such a way that visible dust emissions caused by vehicular traffic on the road do not diffuse beyond the property line within which the emissions become airborne.

E. No new road other than a private driveway shall be constructed unless the paving specifications are those defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency.

F. The surfacing of roadways with asbestos tailings is prohibited.

G. No person shall cause, suffer, allow or permit transportation of materials likely to give cause to airborne dust without taking reasonable precautions, such as wetting, applying dust suppressants, or covering the load, to prevent particulate matter from becoming airborne. Earth or other material that is deposited by trucking or earth moving equipment shall be removed from paved streets by the person responsible for the site from which the material originated. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1987-175 § 20, 1987; Ord. 1979-93 (part), 1979)

~~17.13.080~~ 17.16.100 Particulate materials.

A. Dust emissions from the processing of material ~~must~~ shall be ~~—minimized~~ effectively controlled by hooding and use of dust collection equipment, water sprays, or use of wet scrubbers, fabric filters (baghouses), electrostatic precipitators, or other equivalently effective controls.

B. Dust emissions from construction activity ~~must~~ shall be ~~—minimized~~ effectively controlled by applying adequate amounts of water or other equivalently effective dust controls.

C. Dust emissions from the transportation of materials ~~must~~ shall be ~~minimized~~ effectively controlled by covering stock loads in open-bodied trucks, limiting vehicular speeds, or other equivalently effective controls.

~~D. Dust emissions from the storage of materials must be minimized by enclosing the material within structures, planting and maintaining vegetative growth over the material, use of chemical dust suppressants, or other equivalently effective controls.~~

E. Asbestos or asbestos containing materials disturbed at a demolition or renovation site ~~must~~ shall be contained in double six mil plastic bags or other plastic lined containers so that none of the materials will be exposed while on site. Such materials must be removed from the site to a proper disposal facility at the earliest possible time after disturbance.

F. Emissions from a sandblasting or other abrasive blasting operation ~~must~~ shall be ~~—minimized~~ effectively controlled by applying water to suppress visible emissions (wet blasting), enclosing the operation, or use of other equivalently effective controls.

G. In addition to any other permits or approvals that may be required pursuant to this Title, all sources of metallic particulates that are not covered by a standard under this chapter for which an installation a permit is issued by the control officer, after the effective date of this subsection shall, as a condition of an installation permit, shall propose RACT for the reduction of actual emissions and concentration of metallic particulates as part of the permit application. ~~and shall pay a fee in an amount equal to that set forth in Table 17.08.230-B(4).~~ The control officer shall review the RACT proposal and shall

issue ~~an installation~~ a permit if the proposal demonstrates adequate control measures to achieve ~~the~~ emissions reductions. ~~specified under federal RACT guidelines~~ (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1991-136 § 12; Ord. 1990-113 § 4, 1990; Ord. 1979-93 (part), 1979)

17.16.110 Storage piles.

A. No person shall cause, suffer, allow, or permit organic or inorganic dust producing material to be stacked, piled or otherwise stored without taking reasonable precautions such as chemical stabilization, wetting, or covering to prevent excessive amounts of particulate matter from becoming airborne.

B. Stacking and reclaiming machinery utilized at storage piles shall be operated at all times with a minimum fall of material and in such manner, or with the use of spray bars and wetting agents, as to minimize and control to ensure compliance with 17.16.050. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993)

17.16.120 Mineral tailings.

No person shall cause, suffer, allow, or permit construction of mineral tailings piles without taking reasonable precautions (i.e. wetting, chemical stabilization and revegetation) to minimize and control to ensure compliance with 17.16.050. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993)

**Article IV. New and Existing Stationary Source Performance Standards.**

~~17.12.120~~ 17.16.130 Applicability.

A. This article shall apply only to emissions which enter the atmosphere by passing through a vent, stack, flue, or other similar containing or restrictive device, or which by reasonable modification of the emissions source the emissions can be directed through such a device for testing purposes.

B. Where the nature of a process, operation, or activity allows more than one interpretation of a requirement in this ~~article~~ Chapter, the more restrictive or most restrictive interpretation shall apply.

C. Except as otherwise provided in this Chapter relating to specific types of sources, the opacity of any plume or effluent:

1. Shall not be greater than 40 percent, and

2. Shall be determined by reference Method 9 of the Arizona Testing Manual.

D. Where the presence of uncombined water is the only reason for the exceedance of any visible emissions requirement in this Article, such exceedance shall not constitute a violation.

E. A person owning or operating an air pollution source may ask the control officer for a determination on meeting the requirements of the applicable opacity standard.

1. The owner or operator shall submit the written reports of the results of the performance tests, the opacity observation results, and observer certification.

2. If the control officer finds that the facility is in compliance with all applicable standards for the performance test and still fails to meet the applicable opacity standard, he shall notify the owner or operator of the finding.

3. The owner or operator may petition the control officer within ten days of receipt of notification, asking the control officer to make an appropriate adjustment to the opacity standard for the facility.

4. The control officer may grant the petition after public notice and opportunity for public hearing takes place, and upon a demonstration by the owner or operator that:

a. The affected facility and the associated air pollution control equipment were operated and maintained in a manner to minimize the opacity of emissions during the performance test.

b. The performance tests were performed under the conditions established by the control officer.

c. The affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the opacity requirement.

5. The control officer may establish an opacity standard for the affected facility based on the determination made in subdivision 4 of this subsection. The opacity standard shall be set at a level indicated by the performance and opacity tests, providing that the source will be able to meet the mass or concentration standard and the opacity standard at all times. Such opacity standard shall be incorporated as a condition of the permit for the affected facility.

6. The control officer shall publish the opacity standard once in one or more newspapers of general circulation in the county.

F. The process weight rate utilized in this Article shall be determined as follows:

1. For continuous or long runs, steady state process sources, the process weight rate shall be the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

2. For cyclical or batch process sources, the process weight rate shall be the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such period. (Ord. 1979-93 (part), 1979)

~~17.12.140~~ 17.16.140 Compilation of mass rates and concentrations.

~~A.~~ The maximum allowable emissions discharge rate (in terms of mass per unit time) and mass concentration (in terms of mass per unit volume of gas) for a regulated air pollutant to which this article applies shall be those standards established in Table 17.12.140- this article.

~~1.~~ The use of air or other gaseous diluents solely for the purpose of achieving compliance with specified mass-concentration standard is prohibited.

~~B.~~ The following interpretative aids shall apply to the requirements of Table 17.12.140-

~~1.~~ Entries under the heading Size Category mean the particular standard applies to a major or minor source as noted. "All" means the particular standard applies to major sources and minor sources.

~~2.~~ An entry of "All" under the heading Applicable Equipment Size means the particular standard applies to all sizes of equipment.

~~3. An equation containing the symbol Q (heat input) or P (process weight) shall be interpreted as having a multiplier which precedes the symbol and an exponent which follows the symbol.~~

~~4. An entry containing the words process weight, preceded or followed by a quantity and unit, means the standard applies to operations which have a process weight as noted.~~

~~5. A "dash" shown under any heading means there is no special entry applicable to that heading that is also common to all other entries on the same line. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1985-126 (part), 1985; Ord. 1983-196 (part), 1983; Ord. 1979-93 (part), 1979)~~

~~17.12.045~~ 17.16.150 Hazardous Waste, Hazardous Waste Fuel, Used Oil, and Used Oil Fuel Burning Equipment.

A. Any person who plans to burn hazardous waste, hazardous waste fuel, used oil, or used oil fuel shall obtain an operating permit from the control officer for the equipment that will be used.

B. Any operating permit issued for equipment burning hazardous waste, hazardous waste fuel, used oil or used oil fuel shall contain, at minimum, conditions governing:

1. Limitations on the types, amounts, and feed rates of the fuel being burned.

2. The frequency and type of fuel testing to be conducted by the permittee.

3. The frequency and type of emissions testing or monitoring to be conducted by the permittee.

4. Requirements for record keeping and reporting.

5. Numeric emission limitations expressed in pounds per hour and tons per year for air contaminants to be emitted from the equipment burning the hazardous waste, hazardous waste fuel, used oil, or used oil fuel.

C. Any operating permit issued for equipment burning hazardous waste or hazardous waste fuel shall require, at minimum:

1. Only hazardous waste or hazardous waste fuel generated on site shall be burned;

2. Monthly testing of the hazardous waste or hazardous waste fuel using the test methods previously approved by the control officer;

3. Each hazardous waste or hazardous waste fuel constituent identified by listing its Chemical Abstract Services Registry (CAS) number and concentration as percent by weight of the sample;

4. Annual, or more frequent, sampling of exhaust gasses from the equipment using the sampling method previously approved by the control officer;

5. Total mass emission concentrations equal to or less than 0.00053 micrograms per cubic meter; and

6. Monthly reports mailed to the control officer that document sampling and testing results. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1991-136 § 11, 1991)

7.16.160 Standards of performance for fossil-fuel fired steam generators and general fuel burning equipment.

A. This Section applies to the following:

1. Sources in which fuel is burned for the primary purpose of producing power, steam, hot water, hot air or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitation shall apply, except for wood waste burners as regulated under 17.16.170.

2. All fossil-fuel fired steam generating units or general fuel burning equipment which are greater than or equal to 73 megawatts capacity.

B. For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat content of solid fuel shall be determined in accordance with 17.12.040. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit.

C. No person shall cause, allow or permit the emission of particulate matter in excess of the amounts calculated by one of the following equations:

1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 1.02Q^{0.769}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

Q = the heat input in million Btu per hour.

2. For equipment having a heat input rate greater than 4200 million Btu/hr, the maximum allowable emissions shall be determined by the following equation:

$$E = 17.0Q^{0.42}$$

where "E" and "Q" have the same meaning as in paragraph 1. of this subsection.

D. When low sulfur oil is fired:

1. Existing fuel burning equipment or steam power generating installations which commenced construction or a major alteration prior to May 30, 1972 shall not emit more than 1.0 pound of sulfur dioxide maximum three hour average, per million Btu (430 nanograms per joule) heat input.

2. Existing fuel burning equipment or steam power generating installations which commenced construction or a major alteration after May 30, 1972 shall not emit more than 0.80 pounds of sulfur dioxide maximum three hour average per million Btu (340 nanograms per joule) heat input.

E. When high sulfur oil is fired all existing steam power generating and general fuel burning installations which are subject to the provisions of this Section shall not emit more than 2.2 pounds of sulfur dioxide maximum three-hour average per million Btu (946 nanograms per joule) heat input.

F. When solid fuel is fired:

1. Existing general fuel burning equipment and steam power generating installations which commenced construction or a major alteration prior to May 30,

1972 shall not emit more than 1.0 pound of sulfur dioxide maximum three-hour average, per million Btu (430 nanograms per joule) heat input.

2. Existing general fuel burning equipment and steam power generating installations which commenced construction or a major alteration after May 30, 1972 shall not emit more than 0.80 pounds, maximum three-hour average, per million Btu (340 nanograms per joule) heat input.

G. Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee, unless the applicant demonstrates to the satisfaction of the control officer that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to insure that the sulfur dioxide ambient air quality standards set forth in 17.12.020 will not be violated.

1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.

2. In cases where the permittee is authorized to use high sulfur oil it shall submit to the control officer monthly reports detailing its efforts to obtain low sulfur oil.

3. When the conditions justifying the use of high sulfur oil no longer exist, the permit shall be modified accordingly.

4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.

H. Existing steam power generating installations which commenced construction or a major alteration after May 30, 1972 shall not emit nitrogen oxides in excess of the following amounts:

1. 0.20 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when gaseous fossil fuel is fired.

2. 0.30 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when liquid fossil fuel is fired.

3. 0.70 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when solid fossil fuel is fired.

I. Emission and fuel monitoring systems, where deemed necessary by the control officer for sources subject to the provisions of this Section, shall conform to the requirements of 17.12.060.

J. The applicable reference methods given in the Appendices to 40 CFR 60 shall be used to determine compliance with the standards as prescribed in subsections C through G and I of this Section. All tests shall be run at the heat input calculated under subsection (B) of this Section. (Ord. 1993-\_\_ § \_\_, 1993)

17.16.165 Standards of performance for fossil-fuel fired industrial and commercial equipment.

A. This Section applies to industrial and commercial installations which are less than 73 megawatts capacity (250 million British thermal units per hour); but in the aggregate on any premises are rated at greater than 500,000 British thermal units per hour (0.146 megawatts); and in which fuel is burned for the primary purpose of producing steam, hot water, hot air or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or byproducts of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.

3. For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat content of solid fuel shall be determined in accordance with 17.12.220. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit. The total heat input of all fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

C. No person shall cause, allow or permit the emission of particulate matter, caused by combustion of fuel, from any fuel-burning operation in excess of the amounts calculated by one of the following equations:

1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 1.02Q^{0.769}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

Q = the heat input in million Btu per hour.

2. For equipment having a heat input rate greater than 4200 million Btu/hr, the maximum allowable emissions shall be determined by the following equation:

$$E = 17.00Q^{0.432}$$

where "E" and "Q" have the same meanings as in subdivision 1 of this subsection.

D. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

E. Fossil-fuel fired industrial and commercial equipment installations shall not emit more than 1.0 pounds of sulfur dioxide per million Btu heat input when low sulfur oil is fired.

F. Fossil-fuel fired industrial and commercial equipment installations shall not emit more than 2.2 pounds of sulfur dioxide per million Btu heat input when high sulfur oil is fired.

G. Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee. This condition may be omitted from the permit if the applicant demonstrates to the satisfaction of the control officer both that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to insure that the sulfur dioxide ambient air quality standards set forth in 17.08.020 will not be violated.

1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.

2. In cases where the permittee is authorized to use high sulfur oil it shall submit to the control officer monthly reports detailing its efforts to obtain low sulfur oil.

3. When the conditions justifying the use of high sulfur oil no longer exist, the permit shall be modified accordingly.

4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.

H. When coal is fired, fossil-fuel fired industrial and commercial equipment installations shall not emit more than 1.0 pound of sulfur dioxide per million Btu heat input.

I. The owner or operator subject to the provisions of this Section shall install, calibrate, maintain and operate a continuous monitoring system for measurement of the opacity of emissions discharged into the atmosphere from the control device.

J. For the purpose of reports required under excess emissions reporting required by 17.12.220, the owner or operator shall report all six-minute periods in which the opacity of any plume or effluent exceeds 15 percent.

K. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards as prescribed in this Section.

a. Method 1 for selection of sampling site and sample traverses.

b. Method 3 for gas analysis to be used when applying Reference Methods 5 and 6.

c. Method 4 and 5 for concentration of particulate matter and the associated moisture content.

d. Method 6 for concentration of SO<sub>2</sub>.

2. For Method 5, Method 1 shall be used to select the sampling site and the number of traverse sampling points. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf), except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the control officer. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature no greater than 160°C (320°F).

3. For Method 6, the sampling site shall be the same as that selected for Method 5. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft). For Method 6, the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

4. For Method 6, the minimum sampling time shall be 20 minutes and the minimum sampling volume 0.02 dscm (0.71 dscf) for each sample. The arithmetic mean of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals.

5. Gross calorific value shall be determined in accordance with the applicable ASTM methods: D-2015-91 (Test for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter) for solid fuels, D-240-87 (Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter) for liquid fuels, and D-1826-88 (Test Method for Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter) for gaseous fuels. The rate of fuels burned during each testing period shall be determined by suitable methods and shall be confirmed by a material balance over the fossil-fuel fired system. (Ord. 1993-\_\_ § \_\_, 1993)

17.12.050 17.16.170 Incinerators.

A. An incinerator must shall be operated only ~~from~~ between the hours of official sunrise ~~to~~ and sunset, except when the following are conditions of the operating permit:

1. The incinerator is equipped with a continuous monitoring and recording opacity meter;



2. The incinerator is used solely for the destruction of materials which would cause or contribute to air pollution if disposed of in any other practical manner;

3. The incinerating process cannot be operated efficiently during only daylight hours;

4. The opacity monitoring-and-recording equipment is calibrated and maintained in accordance with the manufacturer's specifications, and

5. The opacity monitoring records are kept for at least five years.

B. No person shall cause, allow, or permit to be emitted into the atmosphere, from any type of incinerator, smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 20 percent opacity except during the times specified in subsection E of this Section.

C. No person shall cause, allow, permit the discharge of particulate matter into the atmosphere in any one hour from any incinerator, in excess of the following limits:

1. For multiple chamber incinerators, controlled atmosphere incinerators, fume incinerators, afterburners or other unspecified types of incinerators, emissions shall not exceed 0.08 grains per cubic foot, based on dry flue gas at standard conditions, corrected to 12 percent carbon dioxide.

2. For wood waste burners other than air curtain destructors, emissions discharged from the stack or burner top opening shall not exceed 0.2 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12 percent carbon dioxide.

D. Air curtain destructors shall not be used within 500 feet of the nearest dwelling.

E. Incinerators shall be exempt from the opacity and emission requirements described in subsections B and C of this section as follows:

1. For multiple chamber incinerators, controlled atmosphere incinerators, fume incinerators, afterburners or other unspecified types of incinerators, such exemption shall be for not more than 30 seconds in any 60-minute period.

2. Wood waste burners shall be exempt both:

a. For a period once each day for the purpose of building a new fire but not to exceed 60 minutes, and

b. For an upset of operations not to exceed 3 minutes in any 60-minute period.

F. The owner or operator of any incinerator subject to the provisions of this Section shall record the daily charging rates and hours of operation.

G. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A, shall be used to determine compliance with the standards prescribed in subsection C. of this Section as follows:

a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;

b. Method 1 for sample and velocity traverses;

c. Method 2 for velocity and volumetric flow rate;

d. Method 3 for gas analysis and calculation of excess air, using the integrated sampling technique.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the control officer. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

17.16.180 Standards of performance for portland cement plants.

A. The provisions of this Section are applicable to the following affected facilities in portland cement plants: kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems.

B. No person shall cause, allow or permit the discharge of particulate matter from any identifiable process source within any existing cement plant subject to the provisions of this Section which exceeds the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 33,700 pounds per hour (16.85 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 4.10P^{0.67}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate of greater than 33,700 pounds per hour (16.85 tons per hour) but no more than 250,000 pounds per hour (125 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31 P^{0.16}$$

where:

"E" and "P" are defined as indicated in subdivision 1. of this subsection.

3. For kilns having a process weight rate of greater than 250,000 pounds per hour (125 tons per hour), the maximum allowable emissions shall not exceed 0.30 pounds of particulate matter per ton of process weight.

4. For clinker coolers having a process weight rate of greater than 250,000 pounds per hour (125 tons per hour), the maximum allowable emissions shall not exceed 0.10 pounds of particulate matter per ton of process weight, maximum 2-hour average.

C. No process source within any portland cement plant shall exceed 20 percent opacity.

D. No person shall cause, allow or permit discharge into the atmosphere of an amount in excess of six pounds of sulfur oxides, calculated as sulfur dioxide, per ton cement kiln feed from cement plants subject to the provisions of this Section.

E. The owner or operator of any portland cement plant subject to the provisions of this Section shall record the daily production rates and the kiln feed rates.

F. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A, except as provided for in 17.12.050 shall be used to determine compliance with the standards prescribed in subsection B of this Section as follows:

a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;

b. Method 1 for sample and velocity traverses;

c. Method 2 for velocity and volumetric flow rate;

d. Method 3 for gas analysis.

2. For Method 5, the minimum sampling time and minimum sample volume for each run except when process variables or other factors justifying otherwise to the satisfaction of the control officer, shall be as follows:

a. 60 minutes and 0.85 dscm (30.0 dscf) for the kiln.

b. 60 minutes and 1.15 dscm (40.6 dscf) for the clinker cooler.

3. Total kiln feed rate, except fuels, expressed in metric tons per hour on a dry basis, shall be both:

a. Determined during each testing period by suitable methods; and

b. Confirmed by a material balance over the production system.

4. For each run, particulate matter emissions, expressed in g/metric ton of kiln feed, shall be determined by dividing the emission rate in g/hr by the kiln feed rate. The emission rate shall be determined by the equation,  $g/hr = Q \times c$ , where  $Q$  = volumetric flowrate of the total effluent in dscm/hr as determined in accordance with paragraph 1.c. of this subsection, and  $c$  = particulate concentration in g/dscm as determined in accordance with paragraph 1.a. of this subsection. (Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.16.190 Standards of performance for nitric acid plants.

A. No person shall cause, allow or permit discharge from any nitric acid plant producing weak nitric acid, which is either:

1. 30 to 70 percent in strength by either the increased pressure or atmospheric pressure process, or

2. More than 1.5 kg of total oxides of nitrogen per metric ton (3.0 lbs/ton) of acid produced expressed as nitrogen dioxide.

B. The opacity of any plume subject to the provisions of this Section shall not exceed ten percent.

C. A continuous monitoring system for the measurement of nitrogen oxides shall be installed, calibrated, maintained and operated by the owner or operator, in accordance with Section 17.12.060.

D. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standard prescribed in subsection A of this Section as follows:

a. Method 7 for the concentration of  $NO_x$ ;

b. Method 1 for sample and velocity traverses;

c. Method 2 for velocity and volumetric flow rate;

d. Method 3 for gas analysis.

2. For Method 7, the sample site shall be selected according to Method 1 and the sampling point shall be the centroid of the stack or duct or at a point no closer to the walls than 1 m (3.28 ft.). Each run shall consist of at least four grab samples taken at approximately 15-minute intervals. The arithmetic mean of the samples shall constitute the run value. A velocity traverse shall be performed once per run.

3. Acid production rate, expressed in metric tons per hour of 100 percent nitric acid, shall be both

a. Determined during each testing period by suitable methods and

b. Confirmed by a material balance over the production system.

4. For each run, nitrogen oxides, expressed in g/metric ton of 100 percent nitric acid, shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation:

$$g/hr = Q \times c$$

where:

Q = volumetric flow rate of the effluent in dscm/hr, as determined in accordance with paragraph 1.c. of this subsection, and

c = NO<sub>x</sub> concentration in g/dscm, as determined in accordance with paragraph 1.a. of this subsection. (Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.16.200 Standards of performance for sulfuric acid plants.

A. Facilities that produce sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfide and mercaptans or acid sludge shall not discharge into the atmosphere:

1. Greater than 2 kg of sulfur dioxide per metric ton (4 lbs/ton) of sulfuric acid produced (calculated as 100 percent H<sub>2</sub>SO<sub>4</sub>), or

2. Greater than 0.075 kg of sulfuric acid mist per metric ton (0.15 lbs/ton) or sulfuric acid produced (calculated as 100 percent H<sub>2</sub>SO<sub>4</sub>).

B. This Section shall not apply to metallurgical plants or other facilities where conversion to sulfuric acid is utilized as a means of controlling emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

C. A continuous monitoring system for the measurement of sulfur dioxide shall be installed, calibrated, maintained and operated by the owner or operator, in accordance with 17.12.060.

D. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with standards prescribed in subsection (A) of this Section as follows:

a. Method 8 for concentration of SO<sub>2</sub> and acid mist;

b. Method 1 for sample and velocity traverses;

c. Method 2 for velocity and volumetric flow rate;

d. Method 3 for gas analysis.

2. The moisture content can be considered to be zero. For Method 8 the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 1.15 dscm (40.6 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the control officer.

3. Acid production rate, expressed in metric tons per hour of 100 percent  $H_2SO_4$ , shall be both:

- a. Determined during each testing period by suitable methods and
- b. Confirmed by a material balance over the production system.

4. Acid mist and sulfur dioxide emissions, expressed in g/metric ton of 100 percent  $H_2SO_4$ , shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation,  $g/hr - Q \times c$ , where  $Q$  = volumetric flow rate of the effluent in dscm/hr as determined in accordance with paragraph 1.c. of this subsection, and  $c$  = acid mist and  $SO_2$  concentrations in g/dscm as determined in accordance with paragraph 1.a. of this subsection. (Ord. 1993-\_\_ § \_\_, 1993)

#### 17.16.210 Standards of performance for asphalt concrete plants.

A. Fixed asphalt concrete plants and portable asphalt concrete plants shall meet the standards set forth in this Section.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any existing asphalt concrete plant in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

$E$  = the maximum allowable particulate emission rate in pounds-mass per hour, and

$P$  = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where " $E$ " and " $P$ " are defined as indicated in subdivision 1. of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

E. Liquid fuel containing greater than 0.9 percent sulfur by weight shall not be utilized for asphalt concrete plants subject to this Section.

F. Solid fuel containing greater than 0.5 percent sulfur by weight shall not be utilized for asphalt concrete plants subject to this Section.

G. The test methods and procedures required under this Section are:

1. The reference methods given in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection B.

a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content.

b. Method 1 for sample and velocity traverses.

c. Method 2 for velocity and volumetric flow rate.

d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer.

3. Percent sulfur in liquid fuel shall be determined by ASTM method D-129-91 (Test Method for Sulfur in Petroleum Products) (General Bomb Method), and the percent sulfur in solid fuel shall be determined by ASTM method D-3177-89 (Test Method for Total Sulfur in the Analysis Sample of Coal and Coke). (Ord. 1993-\_\_\_ § \_\_\_, 1993)

#### 17.16.220 Standards of performance for petroleum refineries.

A. The provisions of this Section are applicable to the following affected facilities in petroleum refineries: fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers, and fuel gas combustion devices.

B. Except as provided in subsection G of this Section, all petroleum refineries subject to this Section are also subject to the provisions of Chapter 17.16, Article VI.

C. The owner or operator of a petroleum refinery complex subject to this Section shall develop and conduct a leak monitoring program in accordance with Appendix H of the EPA Petroleum Refinery Enforcement Manual (EPA 340/1-80-008), amended as of March, 1980, which is incorporated herein by reference and on file with the Office of the Secretary of State.

D. Upon detection of a leaking component, which has a volatile organic compound concentration exceeding 10,000 ppm when tested in the manner described in 40 CFR 60, Appendix A, the owner shall both:

1. Include the leaking component on a written list of scheduled repairs within 24 hours; and

2. Repair and retest the component within 15 days.

E. Except for safety pressure relief valves, no owner or operator of a petroleum refinery shall install a valve at the end of a pipe or line containing volatile organic compounds unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap. The sealing device may be removed only when the line is in use, as when a sample is being taken.

F. No owner or operator of a petroleum refinery shall operate a pipeline valve or pressure relief valve in gaseous volatile organic compound service unless it is marked in some manner that is clearly visible.

G. Existing petroleum refineries of a capacity of 7,000 barrels per day or less shall be exempt from the emissions monitoring requirements of 40 CFR 60.105 provided the owner or operator of such a refinery complies with all of the following:

1. All process gases or fuel gases shall be treated in an afterburner, flare or other combustion device to insure complete combustion of carbon monoxide, hydrogen sulfide, and unburned hydrocarbons.

2. Ambient concentrations of SO<sub>2</sub> in the vicinity of the refinery shall be calculated using a suitable model approved by the control officer and shall not exceed the Class II maximum allowable increases given in Table 17.08.150.

3. A continuous SO<sub>2</sub> ambient air monitor approved by the control officer shall be placed in a location selected by the control officer and shall be maintained in accordance with 17.08.080, and SO<sub>2</sub> concentrations shall not exceed Class II maximum allowable increases.

17.12.060- 17.16.230 Standards of performance for storage vessels for petroleum liquids.

A. General Provisions

1. No petroleum liquid shall be stored in an open storage container or in any other stationary container that does not minimize emissions of hydrocarbons to the atmosphere. No person shall place, store or hold in any reservoir, tank or other container having a capacity greater than forty thousand gallons any petroleum product unless such tank, reservoir or other container is equipped with one of the following vapor loss control devices, properly installed, in operation, and in good working order:

a. A floating roof designed in accordance with accepted standards of the petroleum industry. A floating roof shall not be used if the petroleum product has a vapor pressure of eleven pounds per square inch absolute or greater under actual conditions. All tank gauging and sampling devices shall be gas tight except when gauging or sampling is taking place. Petroleum product storage containers subject to this provision shall have no visible holes, tears or other openings in the seal, or in any seal fabric. Where applicable, all openings except drains shall be equipped with a cover seal or lid. The cover seal or lid shall be in a closed position at all times, except when the device is in actual use. Automatic bleeder vents shall be closed at all times, except when the roof is floated off or landed on the roof leg supports. Rim vents, if provided, shall be set to open when the roof is being floated off the roof leg supports, or at the manufacturer's recommended setting;

b. A vapor recovery system consisting of a vapor gathering system capable of collecting the hydrocarbon vapors discharged and a vapor disposal system capable of processing such hydrocarbon vapors so as to prevent an emission rate of the vapors greater than 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere and with all tank gauging and sampling devices gas tight and leak proof except when gauging or sampling is taking place;

c. A pressure tank maintaining working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

2. No person shall install or use a petroleum product storage tank with a capacity of two hundred fifty gallons or more for the purpose of storage of petroleum products unless such tank is:

a. A pressure tank as described in subsection paragraph A.1.c. of this section; or

b. The tank is fitted with a submerged fill pipe and, where required elsewhere in these rules, a vapor recovery system as described in the rule set out in subsection paragraph A.1.b. of this section.

B. Petroleum Product Loading Facilities.

1. The owner or operator of any loading facility or stationary storage container regulated under this rule shall not allow visible liquid leaks or spills during loading or unloading operations. Complete drainage shall be accomplished before the loading or unloading device is disconnected unless drybreak couplings are used. No person shall allow petroleum products to be loaded into a delivery vessel at a facility regulated under this rule unless a means has been provided to ensure that the vapor return line is connected.

2. Facilities loading seven million gallons or more per year.

a. No person shall load petroleum products into any delivery vessel at any loading facility having an annual throughput of seven million gallons or more unless the loading facility is equipped for bottom fill, or for submerged fill when top loading, and has a vapor collection and disposal system capable of preventing an emission rate greater than 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere.

b. Loading shall be accomplished in such a manner that the displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

c. During loading or unloading operations there shall be no reading greater than or equal to one hundred percent of the lower explosive limit (LEL, measured as propane) at 1.0 inch (2.5 cm) around the perimeter of a potential leak source as detected by a combustible gas detector using the test procedure described in subsection B2d of this section or any other test procedure deemed equally effective by the control officer or contained in the Arizona Testing Manual (A.T.M.). Any bulk plant, service station or bulk terminal exempted from any other subsection of this section shall be exempt from ~~subsection B2c of this section~~ these requirements.

d. Test Procedure. During loading or unloading, check the periphery of all potential sources of leakage of the loading facility with a combustible gas detector.

(i) Pressure. Place a pressure tap in the loading facility's vapor control system, as close as possible to the connection with the truck tank. Record the pressure periodically during testing.

(ii) Calibration. Calibrate the combustible gas detector with 2.2 percent propane by volume in air for one hundred percent LEL response.

(iii) Probe Distance. The probe inlet shall be 1.0 inch (2.5 cm) from the potential leak source.

(iv) Probe Movement. Move the probe slowly (0.8 in/sec) (2.0 cm/sec). If there is any meter deflection at a potential leak source, move the probe to locate the point of highest meter response.

(v) Probe Position. The probe inlet shall be positioned in the path of (parallel to) the vapor flow from a leak.

(vi) Wind. Conduct test when wind speed is five mph or less.

(vii) Recording. Record the highest detector reading and location for each incidence of leakage.

e. Vapor leak testing shall be conducted annually by the owner of the loading facility, or a consultant, at the expense of the owner. At least two weeks prior to testing, the owner shall notify the control officer of the date, time and location of the testing. The control officer or his representatives may observe the tests.



3. Loading Facilities loading less than seven million gallons per year.

a. No person shall load petroleum products into any delivery vessel from any loading facility having an annual throughput of less than seven million gallons unless the loading facility is equipped to return the vapors displaced from the delivery vessel back to the stationary storage container. The owner or operator of the loading facility shall be subject to the testing requirements of the rule set out in subsection B.2., d and e of this section.

b. Any loading facility in operation prior to December 31, 1986 that distributed, and continues to distribute, less than one million gallons per year shall be exempt from the provisions of this rule provided that the owner or operator petitions the control officer annually for this exemption.

c. Any loading facility constructed or installed on or after December 31, 1986, regardless of throughput, shall be equipped to return the vapors displaced from the delivery vessel back to the stationary storage container.

4. When loading is effected through the hatches of a tank truck or trailer with a loading arm equipped with a vapor collecting adapter, a pneumatic, hydraulic or other mechanical means shall be provided to force a vapor tight seal between the adapter and the hatch.

C. Delivery Vessels

1. No person shall store or transport petroleum products in or otherwise use or operate any delivery vessel unless such vessel is designed and maintained to comply with the requirements of subsections paragraphs B.2.d. and C.4.b. of this section. Any delivery vessel into which vapors have been transferred shall be refilled only at a loading facility that is equipped with a system that prevents an emission rate greater than 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere.

2. Delivery vessels presently in operation which service only stationary storage containers specifically exempted under the rule set out in subsection D of this section need not be retrofitted to comply with the provisions of this rule if loaded only at a bulk plant or loading facility exempted under subsection subdivision B.3. of this section.

3. No person shall operate any delivery vessel unless all vapor recovery line connections are capped or sealed, except during hookup or disconnection for loading or unloading operations.

4. No owner or operator shall allow a delivery vessel subject to this regulation to be filled or emptied unless the delivery vessel:

a. Is tested annually using EPA Test Method 27 (two runs) to verify compliance with subsection C.4.b. of this section;

b. With a capacity of two thousand five hundred gallons or more, sustains a pressure change of no more than one inch of water (two hundred fifty pascals) in five minutes, when pressurized to a gauge pressure of eighteen inches of water (four thousand five hundred pascals) or evacuated to a gauge pressure of six inches of water (one thousand five hundred pascals) during the testing required in subsection paragraph C.4.a. of this section. At no time after the annual test shall a pressure change of more than 2.5 inches of water (six hundred twenty-five pascals) occur when the vessel is tested as above;

c. With a delivery vessel or compartment (where the delivery vessel compartments must be tested by individual compartment) capacity of less than two thousand five hundred gallons, the pressure change in five minutes shall not exceed the values listed below:

Tank or Compartment Capacity (gallons)	Annual Certification (inches of water)	At any other time (inches of water)
2499 to 1500	1.5	3.0
1499 to 1000	2.0	3.5
999 or less	2.5	4.0

d. Is repaired by the owner or operator and retested within fifteen days of testing if it does not meet the criteria of ~~subsection~~ paragraph C.4.b. of this section;

e. Displays a sticker obtained from the control officer. The sticker shall be placed at the left front (driver's) side of the delivery vessel.

5. Upon receipt of satisfactory test results required in subsection paragraphs C.4.a. and C.4.b. of this section, a sticker will be issued that expires no more than one year from date of issue.

6. Test results for previously certified delivery vessels must be submitted to the control officer within forty-five days prior to the expiration date of the current sticker.

7. Tests shall be conducted annually by the owner of the delivery truck, or a consultant, at the expense of the owner. At least two working days prior to testing, the owner shall notify the control officer of the date, time and location of the testing. The control officer or his representatives may observe the tests.

#### D. Loading into Stationary Storage Containers.

1. No person shall transfer or permit the transfer of petroleum products from any delivery vessel or pipeline into any stationary storage container above or below ground with a capacity of two hundred fifty gallons or more unless such container is equipped with a permanent submerged fill pipe and unless ninety-five percent by weight of the gasoline vapors displaced during the filling of the stationary storage container is prevented from being released to the atmosphere.

2. The provisions of this rule shall be subject to the following exceptions:

a. The transfer of such products into any stationary storage container used exclusively for the fueling of implements of normal cultural farm practices;

b. The transfer of such products into any stationary storage container used to store such products which are not for resale, provided that such container is equipped with a permanent submerged fill pipe, and the annual throughput is less than two hundred thousand gallons. Facilities storing such products which are not for resale and which have an annual throughput of two hundred thousand gallons or greater shall comply with the provisions of this rule by July 1, 1987;

c. The transfer of such products into any stationary storage container having a capacity of one thousand gallons or less which was installed prior to 1969 provided that such container is equipped with a permanent submerged fill pipe;

d. The transfer of such products into or from any underground storage container installed prior to 1969 which has a capacity equal to or less than forty thousand gallons, where the fill line between the fill connection and container is offset;

e. The transfer of such products into any stationary storage container in existence prior to 1969, which is served by a delivery vessel exempted by the control officer pursuant to ~~subsection~~ subdivision C.2. of this section provided that such container is equipped with a permanent submerged fill pipe;

f. The transfer of such products into any stationary storage container which the control officer finds is equipped to control emissions at least as effectively as required by this rule.

3. The owner or operator of any stationary storage container which is subject to this rule and which is installed or constructed on or after December 31, 1986 shall comply with the provisions of this rule at the time of installation.

#### E. Other Provisions Applicable to Petroleum Products Storage and Handling.

1. Vapor return and/or vapor recovery/disposal systems used to comply with the provisions of these rules shall comply with all safety, fire, weights and measures, and all other applicable laws, ordinances and rules and regulations.

2. The applicant for an installation or operating permit for any vapor return and/or vapor recovery/disposal system installed or used to comply with the provisions of these rules shall submit all engineering drawings, specifications, and certifications necessary to demonstrate to the control officer that the back pressure in the system will not exceed eighteen inches of water and that the system is capable of preventing an emission rate exceeding 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere.

3. Vapor recovery systems, components, and fittings for delivery vessels and stationary storage tanks subject to ~~subsections~~ subdivisions D.1. and E.1. of this section must conform with those systems and hardware certified by the State of California Air Resources Board (CARB). The control officer has a list of CARB-certified systems and hardware on file. Systems or components not CARB-certified must demonstrate equivalency.

~~4. The owner or operator of any delivery vessel or facility involved in dispensing and transferring petroleum products subject to this section shall submit a schedule for compliance by March 31, 1987 and be in compliance by March 31, 1988.~~

~~5. The owner or operator of any loading facility subject to the provisions of this section shall submit a schedule for compliance by June 30, 1987 and be in compliance by December 31, 1988.~~ (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1987-175 \$ 19, 1987; Ord. 1986-227 \$ 1 (part), 1986; Ord. 1979-93 (part), 1979).

#### 17.16.240 Standards of performance for secondary lead smelters

A. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any existing secondary lead smelter in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum, allowable emission rate in pounds-mass per hour, and  
P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

B. Emission values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

D. The opacity of emissions subject to the provisions of this Section shall not exceed 20 percent.

E. The test methods and procedures required by this Section are as follows:

1. The reference methods set forth in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection A of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. Particulate sampling shall be conducted during representative periods of furnace operation including charging and tapping.

#### 17.16.250 Standards of performance for secondary brass and bronze ingot production plants.

A. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any secondary brass or bronze ingot production plant in total quantities in excess of the amount calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum, allowable particulate emission rate in pounds-mass per hour, and

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

B. Emission values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

D. The opacity of emissions subject to the provisions of this Section shall not exceed 20 percent.

E. The test methods and procedures required by this Section are as follows:

1. The reference methods set forth in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection A of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 120 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. Particulate sampling shall be conducted during representative periods of charging and refining but not during pouring of the heat. (Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.16.260 Standards of performance for iron and steel plants.

A. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any basic oxygen process furnace in total quantities in excess of the amount calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum, allowable particulate emission rate in pounds-mass per hour, and

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

B. Emission values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

D. The opacity of emissions subject to the provisions of this Section shall not exceed 20 percent.

E. Monitoring of operations under this Section is as follows:

1. The owner or operator of an affected facility shall maintain daily records of the time and duration of each steel production cycle.

2. The owner or operator of any affected facility that uses Venturi scrubber emission control equipment shall install, calibrate, maintain and continuously operate the following monitoring devices:

a. A monitoring device for the continuous measurement of the pressure loss through the Venturi constriction of the control equipment. The monitoring device shall be certified by the manufacturer to be accurate within  $\pm 250$  pascals ( $\pm 1$  inch water).

b. A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 5$  percent of the design water supply pressure. The pressure sensor or tap shall be located close to the water discharge point.

3. All monitoring devices required in subdivision F.2. of this Section shall be recalibrated annually and at other times as the control officer may require, in accordance with the procedures in Appendix 9 of A.A.C. Title 18, chapter 2.

F. The test methods and procedures required under this Section are as follows:

1. The reference methods set forth in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection A of this Section as follows:

a. Method 4 and 5 for the concentration of particulate matter;

b. Method 1 for sample and velocity traverses;

c. Method 2 for velocity and volumetric flow rate;

d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall continue for an integral number of cycles with total duration of at least 60 minutes. The sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. A cycle shall start at the beginning of either the scrap preheat or the oxygen blow and shall terminate immediately prior to tapping. (Ord. 1993-\_\_ S \_\_, 1993)

#### 17.16.270 Standards of performance for sewage treatment plants.

A. No person shall cause, allow or permit to be emitted into the atmosphere, from any municipal sewage treatment plant sludge incinerator:

1. Smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 20 percent opacity for more than 30 seconds in any 60-minute period.

2. Particulate matter in concentrations in excess of 0.08 grains per cubic foot, based on dry flue gas at standard conditions, corrected to 12 percent carbon dioxide.

B. The owner or operator of any sludge incinerator subject to the provisions of this Section shall monitor operations by doing all of the following:

1. Install, calibrate, maintain and operate a flow measuring device which can be used to determine either the mass or volume of sludge charged to the incinerator. The flow measuring device shall have an accuracy of  $\pm 5$  percent over its operating range.

2. Provide access to the sludge charged so that a well-mixed representative grab sample of the sludge can be obtained.

3. Install, calibrate, maintain and operate a weighing device for determining the mass of any municipal solid waste charged to the incinerator when sewage sludge and municipal solid wastes are incinerated together. The weighing device shall have an accuracy of  $\pm 5$  percent over its operating range.

C. The test methods and procedures required by this Section are as follows:

1. The reference methods set forth in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection A. of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.015 dscm/min (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. (Ord. 1993-\_\_\_ § \_\_, 1993)

17.16.280 Standards of performance for primary copper smelters; site specific requirements.

A. No owner or operator of a primary copper smelter shall cause, allow or permit the discharge of particulate matter into the atmosphere from any process in total quantities in excess of the amount calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour, and

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

B. Emission values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter for that process.

D. The opacity of emissions subject to the provisions of this Section shall not exceed 20 percent.

E. The reference methods set forth in the Arizona Testing Manual and 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in this Section as follows:

1. Method A1 or Reference Method 4 and 5 for concentration of particulate matter and associated moisture content.
2. Reference Method 1 for sample and velocity traverses.
3. Reference Method 2 for volumetric flow rate.
4. Reference method 3 for gas analysis.

F. Except as provided in a consent decree or a delayed compliance order, the owner or operator of the copper smelter of Phelps Dodge Corporation, New Cornelia Branch, shall not discharge or cause the discharge of sulfur dioxide into the atmosphere from any stack required to be monitored by 17.16.290.K. in excess of the following:

a. Annual average emissions, as calculated pursuant to 17.16.290.C. through 17.16.290.J., shall not exceed 8,900 pounds per hour.

b. The number of three-hour average emissions as calculated pursuant to 17.16.290.C through 17.16.290.J. shall not exceed n cumulative occurrences in excess of E, the emission level, shown in the following table in any compliance period:

<u>n</u>	<u>E, lb/hr.</u>	<u>n</u>	<u>E, lb/hr.</u>
0	37,000	180	19,500
1	35,000	245	18,500
2	32,500	330	17,500
4	31,000	435	17,000
7	29,000	560	16,000
12	27,500	710	15,000
20	26,000	890	14,250
32	25,000	1100	13,500
48	23,500	1340	12,500
68	22,500	1610	12,000
94	21,500	1910	11,000
130	20,500	2240	10,500

(Ord. 1993-\_\_ S \_\_, 1993)

17.16.290 Standards of performance for primary copper smelters; compliance and monitoring.

A. For purposes of this section, if ADEQ delegates authority for primary copper smelters to the department, the term "director" shall mean "control officer" and "ADEQ" shall mean the "department".

B. The cumulative occurrence and emission limits specified in 17.16.280.F. shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur dioxide control and removal equipment, but not including uncaptured fugitive emissions and those emissions due solely to the use of fuel for space heating or steam generation.

C. Periods of malfunction, startup, shutdown or other upset conditions shall not be excluded when determining compliance with the cumulative occurrence or annual average emission limits specified in 17.16.280.F.



D. Compliance with the cumulative occurrence and emission limits contained in 17.16.280.F. shall be determined as follows:

1. Annual average emissions shall be calculated at the end of each day by averaging the emissions for all hours measured during the compliance period ending on that day. An annual emissions average in excess of the allowable annual average emission limit will be considered a violation if either:

a. The annual average is larger than the annual average computed for the preceding day; or

b. The annual averages computed for the five preceding days all exceed the allowable annual average emission limit.

2. Three-hour emissions averages shall be calculated at the end of each clock hour by averaging the hourly emissions for the preceding three consecutive hours whenever each such hour was measured in accordance with the requirements contained in subsection K of this Section.

E. For purposes of this Section, the compliance date, unless otherwise provided in a consent decree or a delayed compliance order, shall be January 14, 1986.

F. For purposes of subsection C. of this Section, a three-hour emissions average in excess of an emission level (E) will be considered to violate the associated cumulative occurrence limit (n) listed in 17.16.280.F. if both:

1. The number of all three-hour emissions averages measured during the compliance period in excess of that emission level exceeds the cumulative occurrence limit associated with the emission level; and

2. The average was measured during the last operating day of the compliance period being reported.

G. A three-hour emissions average can only violate the cumulative occurrence limit (n) of an emission level (E) in the day containing the last hour in the average.

H. Multiple violations of a cumulative occurrence limit in the same day and violations of different cumulative limits in the same day shall constitute a single violation of the requirements of 17.16.280.

I. The violation of any cumulative occurrence limit and an annual average emission limit in the same day shall constitute only a single violation of the requirements of 17.16.280.

J. Multiple violations of a cumulative occurrence limit by different three-hour emissions averages containing any common hour shall constitute a single violation of the requirements of 17.16.280.

K. For purposes of determining compliance with subsections C through I of this Section, the compliance period shall consist of the 365 calendar days immediately preceding the end of each day of the month being reported unless that period includes less than 300 operating days. In such case the number of days preceding the last day of the compliance period shall be increased until the compliance period contains 300 operating days. Any day in which sulfur containing feed is introduced into the smelting process constitutes an operating day.

L. For purposes of determining compliance with the cumulative occurrence and emission limits contained in 17.16.280.F., the owner or operator of any smelter subject to such limits shall install, calibrate, maintain, and operate a measurement system for continuously monitoring sulfur dioxide concentrations and stack gas volumetric flow rates in each stack which could emit five percent or more of the allowable annual average sulfur dioxide emissions from the smelter.

1. Such measurement system shall also continuously monitor sulfur dioxide concentrations and stack gas volumetric flow rates in the outlet of each piece of sulfur dioxide control equipment.

2. Captured fugitive emissions shall be continuously monitored for sulfur dioxide concentrations and stack gas volumetric flow rates, and these emissions shall be included as part of total plant emissions when determining compliance with the cumulative occurrence and emission limits contained in 17.16.280.F.

3. If the owner or operator can demonstrate to the director that measurement of stack gas volumetric flow in the outlet of any particular piece of sulfur dioxide control equipment would yield inaccurate results or would be technologically infeasible, then the director may allow measurement of the flow rate at an alternative sampling point.

4. For purposes of this subsection, continuous monitoring means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack, outlet or other approved measurement location in each 15-minute period. An hour of smelter emissions shall be considered to have been continuously monitored if the emissions from all monitored stacks, outlets or other approved measurement locations are measured for at least 45 minutes of any hour in accordance with the requirements of this subsection.

5. The continuous monitoring system described in this subsection shall meet all of the following requirements:

a. No later than 18 months prior to the compliance date and at such other times as the director may specify, the stack gas volumetric flow rate measurement system installed and operated pursuant to this Section shall be demonstrated to meet the performance specifications prescribed in 40 CFR 52, Appendix E.

b. No later than 18 months prior to the compliance date and at such other times as the director may specify, the sulfur dioxide concentration measurement system installed and operated pursuant to this Section shall be demonstrated to meet the measurement system performance specifications prescribed in 40 CFR 52, Appendix D, except that "maximum anticipated concentration" shall be substituted for "emission standard" in "Table I -- Performance Specifications."

c. The demonstrations of measurement systems performance required by paragraphs a and b of this subdivision shall be conducted in accordance with the field test procedures prescribed by 40 CFR 52, Appendices D and E. The director shall be notified at least 30 days in advance of the start of the field tests.

d. Location of all sampling points for monitoring sulfur dioxide concentrations and stack gas volumetric flow rates shall be approved in writing by the director prior to installation and operation of measurement instruments.

e. The measurement system installed and used pursuant to this subsection shall be subject to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

M. Failure of the owner or operator of a smelter subject to this Section to measure at least 95 percent of the hours during which emissions occurred in any month shall constitute a violation of this Section.

N. Failure of the owner or operator of a smelter subject to this Section to measure any 12 consecutive hours of emissions in accordance with the requirements of subsection K of this Section shall constitute a violation of this Section.

O. The owner or operator of any smelter subject to this Section shall maintain on hand and ready for immediate installation sufficient spare parts or duplicate systems for the continuous monitoring equipment required by this Section to allow for the replacement within six hours of any monitoring equipment part which fails or malfunctions during operation.

P. As a means of determining total overall emissions, the owner or operator of any smelter subject to this Section shall perform material balances for sulfur in accordance with the procedures prescribed by Appendix 8 of A.A.C., Title 8, chapter 2.

Q. The owner or operator of any smelter subject to this Section shall maintain a record of all average hourly emissions measurements required to be measured by this Section. The record of such emissions shall be retained for at least two years following the date of measurement. All of the following measurement results shall be expressed as pounds per hour of sulfur dioxide and shall be summarized monthly and submitted to the director within 20 days after the end of each month:

1. For all periods described in subsection C of this Section, the annual average emissions (expressed in pounds per hour) as calculated at the end of each day of the month;

2. The total number of hourly periods during the month in which measurements were not taken and the reason for loss of measurement for each period;

3. The number of three-hour emissions averages which exceeded each of the applicable emissions levels listed in 17.16.280.F. for the compliance periods ending on each day of the month being reported;

4. The date on which a cumulative occurrence limit listed in 17.16.280.F. was exceeded if such exceedance occurred during the month being reported.

R. The owner or operator of a smelter subject to this Section shall submit a proposed compliance schedule to the director which demonstrates that the emission limits of 17.16.280.F. will be achieved at the smelter as expeditiously as practicable, but no later than the compliance date.

S. The schedule submitted pursuant to subsection Q of this Section shall include increments of progress and the date for achievement of such increments. The increments of progress shall include all of the following:

1. No later than 30 months prior to the compliance date, submission to the director of a final control plan for meeting the emission limits in 17.16.280.F.;

2. No later than 28 months prior to the compliance date, letting of contracts or issuance of purchase orders for any process or control equipment necessary to accomplish the required emission control;

3. No later than 24 months prior to the compliance date, initiation of any necessary on-site construction or initiation of any necessary installation of emission control equipment or process modification;

4. No later than 24 months prior to the compliance date, submission of the fugitive emissions evaluation prescribed in 17.16.300.B. through D, including a compliance plan for installation of any additional fugitive emission control equipment necessary to assure attainment and maintenance of the applicable ambient air quality standards in the vicinity of the smelter;

5. No later than 18 months prior to the compliance date, the initiation of the demonstrations of stack gas volumetric flow rate and sulfur dioxide concentration measurement systems required by subsections K.5.a. and b.

6. No later than three months prior to the compliance date, completion of any necessary on-site construction, or installation of emission control equipment or process modification; and

7. No later than the compliance date, achievement of compliance with the emission limits in 17.16.280.F.

T. The owner or operator shall certify to ADEQ, within 15 days after the deadline for completion of each increment, whether the required increment of progress has been met.

U. At each point in the smelter facility where a means exists to bypass the sulfur removal equipment, such bypass shall be instrumented and monitored to detect and record all periods that the bypass is in operation. Each owner or operator of a copper smelter shall report to the Director, not later than the fifteenth day of each month, the information required to be recorded by this Section. Such report shall include an explanation for the necessity of the use of the bypass. (Ord. 1993-\_\_\_ \$ \_\_, 1993)

17.16.300 Standards of performance for primary copper smelters: fugitive emissions.

A. For purposes of this section:

1. If ADEQ delegates authority for primary copper smelters to the department, the term "director" shall mean "control officer" and "ADEQ" shall mean the "department"; and

2. The compliance date, unless otherwise provided in a consent decree or a delayed compliance order, shall be January 14, 1986.

B. Not later than 24 months before the compliance date the owner or operator of a smelter subject to 17.16.280, shall submit to the director the results of an evaluation of the fugitive emissions from the smelter. The evaluation results shall contain all of the following information:

1. A measurement or accurate estimate of total fugitive emissions from the smelter during typical operations, including planned start-up and shutdown. The measurement or estimate shall contain the amount of both average short-term (24 hours) and average long-term (monthly) fugitive emissions from the smelter. The evaluation plan shall be approved in advance by ADEQ and shall specify the method used to determine the fugitive emission amounts, including the conditions determined to be "typical operations" for the smelter.

2. A measurement or accurate estimate of the relative proportion, expressed as a percentage, of total fugitive emissions during typical operations, including planned start-up and shutdown, produced by any of the following smelter processes:

a. Roaster or dryer operation;

b. Calcine or dried concentrate transfer;

c. Reverberatory furnace operations, including feeding, slag return, matte and slag tapping;

d. Matte transfer; and

e. Converter operations.

3. The measurement technique or method of estimation used to fulfill the requirement in subdivision 2 of this subsection shall be approved in advance by ADEQ.

4. The results of at least a 6-month fugitive emission impact analysis conducted during that part of the year when fugitive emissions are expected to have the greatest ambient air quality impact. The study shall utilize sufficient measurements of fugitive emissions, meteorological conditions and ambient sulfur dioxide concentrations to associate fugitive emissions with specific measured ambient concentrations of sulfur dioxide. The study shall describe in detail the techniques used to make the required determinations. The design of the study shall be approved in advance by ADEQ.

C. On the basis of the results of the evaluation as well as other data and information contained in the records of ADEQ, the Director shall determine whether fugitive emissions from a particular smelter have the potential to cause or significantly contribute to violations of the ambient sulfur dioxide standards in the vicinity of the smelter. If the Director finds that fugitive emissions from a particular smelter have the potential to cause or significantly contribute to violations of ambient sulfur dioxide standards in the vicinity of a smelter, then the Director shall adopt rules specifying the emission limits and undertake other appropriate measures necessary to maintain ambient sulfur dioxide standards.

D. The requirements of subsection B of this Section shall not apply to a smelter subject to this Section if the owner or operator of that smelter can demonstrate to the Director both that:

1. Compliance with the applicable cumulative occurrence and emission limits listed in 17.16.280.F. will require the smelter to undergo major modifications to its physical configuration or work practices prior to the compliance date, and

2. That the modification will reduce fugitive emissions to such an extent that such emissions will not cause or significantly contribute to violations of ambient sulfur dioxide standards in the vicinity of the smelter.

E. In order to assess the sufficiency of the cumulative occurrence and emission limits contained in 17.16.280.F. to maintain the ambient air quality standards for sulfur dioxide set forth in 17.08.020, an owner or operator of a smelter subject to this Section shall continue to calibrate, maintain and operate any ambient sulfur dioxide monitoring equipment owned by the smelter owner or operator and in operation within the area of the smelter enclosed by a circle with ten-mile radius as calculated from a center point which shall be the point of the smelter's greatest sulfur dioxide emissions, for a period of at least three years after the compliance date.

1. Such monitors shall be operated and maintained in accordance with 40 CFR 50 and 58 and such other conditions as the Director deems necessary.

2. The location of ambient sulfur dioxide monitors and length of time such monitors remain at a location shall be determined by the Director. (Ord. 1993-\_\_ § \_\_, 1993)

#### 17.16.310 Standards of performance for coal preparation plants.

A. The provisions of this Section are applicable to any of the following affected facilities in coal preparation plants: thermal dryers, pneumatic coal-cleaning equipment, coal processing and conveying equipment including breakers and crushers, coal storage systems, and coal transfer and loading systems. For purposes of this Section, the definitions contained in 40 CFR 60.251 are adopted by reference and incorporated herein.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any existing coal preparation plant in

total quantities in excess of the amounts calculated by one of the following equations set forth:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.82}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1. of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

E. Fugitive emissions from coal preparation plants shall be controlled in accordance with 17.16.070 through 17.16.110.

F. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A are used to determine compliance with standards prescribed in subsection B of this section as follows:

a. Method 4 and 5 for the concentration of particulate matter and associated moisture content.

b. Method 1 for sample and velocity traverses.

c. Method 2 for velocity and volumetric flow rate.

d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume is 0.85 dscm (30 dscf), except that short sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the control officer. Sampling shall not be started until 30 minutes after start-up and shall be terminated before shutdown procedures commence. The owner or operator of the affected facility shall eliminate cyclonic flow during performance tests in a manner acceptable to the control officer.

3. The owner or operator shall construct the facility so that particulate emissions from thermal dryers or pneumatic coal cleaning equipment can be accurately determined by applicable test methods and procedures under subdivision 1 of this subsection. (Ord. 1993-\_\_\_ § \_\_, 1993)

17.16.320 Standards of performance for steel plants: electric arc furnaces (EAF).

A. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from electric arc furnaces or dust-handling

equipment which are affected facilities in any steel plant in total quantities in excess of the amount calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59p^{0.42}$$

where:

E = the maximum, allowable particulate emission rate in pounds-mass per hour.

p = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31p^{0.16}$$

where "E" and "p" are defined as indicated in subdivision 1 of this subsection.

B. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

D. The opacity standard of 40 percent shall not be exceeded by existing steel plant electric arc furnaces and their appurtenances for more than an aggregate of 3 minutes in any 45-minute period.

E. A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the control device shall be installed, calibrated, maintained, and operated by the owner or operator subject to the provisions of this Section.

F. The test methods and procedures required under this Section are as follows:

1. Reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed under subsection A of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least four hours. When a single EAF is sampled, the sampling time for each run shall also include an integral number of heats. Shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. The minimum sample volume shall be 4.5 dscm (160 dscf). (Ord. 1993-\_\_\_ S \_\_\_, 1993)

#### 17.16.330 Standards of performance for kraft pulp mills.

A. The provisions of this Section are applicable to the following affected facilities in kraft pulp mills: digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, recovery furnace, smelt dissolving tank, lime kiln, and condensate stripper system. In

pulp mills in which kraft pulping is combined with neutral sulfite semi-chemical pulping, the provisions of this Section are applicable when any portion of the material charged to an affected facility is produced by the kraft pulping operation.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any kraft pulp mill process source in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.42}$$

where:

E = the maximum, allowable particulate emission rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

E. No person shall cause, allow or permit the discharge of sulfur measured as hydrogen sulfide (H<sub>2</sub>S) in excess of the following amounts:

1. From any recovery furnace, any gases which contain H<sub>2</sub>S in excess of 20 ppm by volume corrected to eight percent oxygen.

2. From any lime kiln, any gases which contain H<sub>2</sub>S in excess of 40 ppm by volume corrected to 10 percent oxygen.

F. Any owner or operator subject to the provisions of this Section shall install, calibrate, maintain, and operate the following continuous monitoring systems:

1. A continuous monitoring system to monitor and record the opacity of the gases discharged into the atmosphere from any recovery furnace. The span of this system shall be set at 70 percent opacity.

2. A continuous monitoring system, to monitor and record the concentration of H<sub>2</sub>S emissions discharged into the atmosphere from any recovery furnace or lime kiln. The span shall be set at H<sub>2</sub>S concentration of 50 ppm.

3. A continuous monitoring system to monitor and record the percent of oxygen by volume in the gases discharged from any recovery furnace or lime kiln. The continuous monitoring system shall be located downstream of the control device for the recovery furnace or lime kiln, and all measurements shall be made on a dry basis. The span of this system shall be set at 20 percent oxygen.

4. For any lime kiln or smelter dissolving tank using a scrubber emission control device:



a. A monitoring device for the continuous measurement of the pressure loss of the gas stream through the control equipment. The monitoring device shall be certified to the manufacturer to be accurate within a gage pressure of  $\pm 500$  pascals (ca.  $\pm 2$  inches of water gage pressure).

b. A monitoring device for the continuous measurement of the scrubbing liquid supply pressure to the control equipment. The monitoring device shall be certified by the manufacturer to be accurate within  $\pm 15$  percent of design scrubbing liquid supply pressure. The pressure sensor or tap shall be located close to the scrubber liquid discharge point, although the control officer may be consulted for approval of alternative locations.

G. The test methods and procedures required by this Section are as follows:

1. The reference methods in the Arizona Testing Manual and 40 CFR 60, Appendix A, except as provided under 17.12.050 shall be used to determine compliance with this Section as follows:

a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content:

b. Method 1 for sample and velocity traverses:

c. Method 3 for gas analysis:

d. Method 9 for visible emissions:

e. Method 11 for total reduced sulfur as hydrogen sulfide.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. Water shall be used as the cleanup solvent instead of acetone in the sample recovery procedure outlined in Method 5. For determination of compliance with this Section, particulate measurements shall at least be made on the recovery furnace, smelt dissolving tank, and lime kiln. All concentrations of particulate matter from the lime kiln and recovery furnace shall be corrected to ten volume percent oxygen and eight volume percent oxygen, respectively, when the oxygen concentrations exceed these values. (Ord. 1993-\_\_\_ § \_\_\_, 1993)

#### 17.16.340 Standards of performance for stationary rotating machinery.

A. The provisions of this Section are applicable to the following affected facilities: all stationary gas turbines, oil-fired turbines, or internal combustion engines. This Section also applies to an installation operated for the purpose of producing electric or mechanical power with a resulting discharge of sulfur dioxide in the installation's effluent gases.

B. For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. Compliance tests shall be conducted during operation at the normal rated capacity of each unit. The total heat input of all operating fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

C. No person shall cause, allow or permit the emission of particulate matter, caused by combustion of fuel, from any stationary rotating machinery in excess of the amounts calculated by one of the following equations:

1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 1.02Q^{0.769}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

Q = the heat input in million Btu per hour.

2. For equipment having a heat input rate greater than 4200 million Btu/hr., the maximum allowable emissions shall be determined by the following equation:

$$E = 17.0Q^{0.432}$$

where "E" and "Q" have the same meaning as in subdivision 1 of this subsection.

D. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

E. No person shall cause, allow or permit to be emitted into the atmosphere from any stationary rotating machinery, smoke for any period greater than ten consecutive seconds which exceeds 40 percent opacity. Visible emissions when starting cold equipment shall be exempt from this requirement for the first ten minutes.

F. When low sulfur oil is fired, stationary rotating machinery installations shall burn fuel which limits the emission of sulfur dioxide to 1.0 pound per million Btu heat input.

G. When high sulfur oil is fired, stationary rotating machinery installations shall not emit more than 2.2 pounds of sulfur dioxide per million Btu heat input.

H. Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee. This condition may not be included in the permit if the applicant demonstrates to the satisfaction of the control officer both that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to insure that the sulfur dioxide ambient air quality standards set forth in 17.08.020 will not be violated.

1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.

2. In cases where the permittee is authorized to use high sulfur oil, the permittee shall submit to the control officer monthly reports detailing efforts to obtain low sulfur oil.

3. When the conditions justifying the use of high sulfur oil no longer exist, the permit shall be modified accordingly.

4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.

I. The owner or operator of any stationary rotating machinery subject to the provisions of this Section shall record daily the sulfur content and lower heating value of the fuel being fired in the machine.

J. The owner or operator of any stationary rotating machinery subject to the provisions of this Section shall report to the control officer any daily period during which the sulfur content of the fuel being fired in the machine exceeds 0.8 percent.

K. The test methods and procedures required by this Section are as follows:

1. To determine compliance with the standards prescribed in subsections C through H of this Section, the following reference methods shall be used:

A. Reference Method 20 in 40 CFR 60, Appendix A for the concentration of sulfur dioxide and oxygen.

B. ASTM Method D-129-91 (Test Method for Sulfur in Petroleum Products) (General Bomb Method) for the sulfur content of liquid fuels.

C. ASTM Method D-1072-90 (Test Method for Total Sulfur in Fuel Gases) for the sulfur content of gaseous fuels.

2. To determine compliance with the standards prescribed in subsection J of this Section, the following reference methods in the Arizona Testing Manual shall be used:

A. ASTM Method D-129-91 (Test Method for Sulfur in Petroleum Products) (General Bomb Method) for the sulfur content of liquid fuels.

B. ASTM Method D-1072-90 (Test Method for Total Sulfur in Fuel Gases) for the sulfur content of gaseous fuels. (Ord. 1993-\_\_ S \_\_, 1993)

17.16.350 Standards of performance for lime manufacturing plants.

A. The provisions of this Section are applicable to the following affected facilities used in the manufacture of lime: rotary lime kilns, vertical lime kilns, lime hydrators, and limestone crushing facilities. This Section is also applicable to limestone crushing equipment which exists apart from other lime manufacturing facilities.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any lime manufacturing or limestone crushing facility in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

E. Fugitive emissions from lime plants shall be controlled in accordance with 17.16.070 through 17.16.110.

F. The owner or operator subject to the provisions of this Section shall install, calibrate, maintain, and operate a continuous monitoring system, except as provided in subsection G of this Section, to monitor and record the opacity

of the gases discharged into the atmosphere from any rotary lime kiln. The span of this system shall be set at 70 percent opacity.

G. The owner or operator of any rotary lime kiln using a wet scrubbing emission control device subject to the provisions of this Section shall not be required to monitor the opacity of the gases discharged as required in subsection F of this Section.

H. The test methods and procedures required by this Section are as follows:

1. The reference methods in the Arizona Testing Manual and 40 CFR 60, Appendix A, shall be used to determine compliance with this Section as follows:

- a. Method 4 and 5 for the measurement of particulate matter.
- b. Method 1 for sample and velocity traverses.
- c. Method 2 for velocity and volumetric flow rate.
- d. Method 3 for gas analysis.
- e. Method 4 for stack gas moisture.
- f. Method 9 for visible emissions.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer.

3. Because of the high moisture content of the exhaust gases from the hydrators, in the range of 40 to 85 percent by volume, the Method 5 sample train may be modified to include a calibrated orifice immediately following the sample nozzle when testing lime hydrators. In this configuration, the sampling rate necessary for maintaining isokinetic conditions can be directly related to exhaust gas velocity without a correction for moisture content. (Ord. 1993-\_\_ S \_\_, 1993)

#### 17.16.360 Standards of performance for nonferrous metals industry sources.

A. The provisions of this Section are applicable to the following affected facilities: mines, mills, concentrators, crushers, screens, material handling facilities, fine ore storage, dryers, roasters, and loaders.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any process source subject to the provisions of this Section in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.42}$$

where:

E = the maximum, allowable particulate emission rate in pounds-mass

per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$E = 17.31P^{0.16}$   
where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

E. No person shall cause, allow or permit to be discharged into the atmosphere from any dryer or roaster the operating temperature of which exceeds 700° F., reduced sulfur in excess of ten percent of the sulfur entering the process as feed. Reduced sulfur includes sulfur equivalent from all sulfur emissions including sulfur dioxide, sulfur trioxide, and sulfuric acid.

F. The owner or operator of any mining property subject to the provisions of this Section shall record the daily process rates and hours of operation of all material handling facilities.

G. A continuous monitoring system for measurement sulfur dioxide emissions shall be installed, calibrated, maintained and operated by the owner or operator where dryers or roasters are not expected to achieve compliance with the standard under subsection (E) of this Section.

H. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standard prescribed in this Section as follows:

a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;

b. Method 1 for sample and velocity traverses;

c. Method 2 for velocity and volumetric flow rate;

d. Method 3 for gas analysis and calculation of excess air, using the integrated sample technique;

e. Method 6 for concentration of SO<sub>2</sub>;

2. For Method 5, Method 1 shall be used to select the sampling site and the number of traverse sampling points. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf), except that smaller sampling times or volumes, when necessitated by process variables of other factors, may be approved by the control officer. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature no greater than 160°C. (320°F).

3. For Method 6, the sampling site shall be the same as that selected for Method 5. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft.). For Method 6, the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

4. For Method 6, the minimum sampling time shall be 20 minutes and the minimum sampling volume 0.02 dscm (0.71 dscf) for each sample. The arithmetic mean of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals. (Ord. 1993-\_\_\_ § \_\_\_, 1993)

17.16.370 Standards of performance for gravel or crushed stone processing plants.

A. The provisions of this Section are applicable to the following affected facilities: primary rock crushers, secondary rock crushers, tertiary rock crushers, screens, conveyors and conveyor transfer points, stackers, reclaimers, and all gravel or crushed stone processing plants and rock storage piles.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere except as fugitive emissions in any one hour from any gravel or crushed stone processing plant in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.2}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. Spray bar pollution controls shall be utilized in accordance with "EPA Control of Air Emissions From Process Operations In The Rock Crushing Industry" (EPA 340/1-79-002), "Wet Suppression System" (pages 15-34), amended as of January, 1979 (and no future amendments or editions), as incorporated herein by reference and on file with the Office of the Secretary of State, with placement of spray bars and nozzles as required by the control officer to minimize air pollution.

E. Fugitive emissions from gravel or crushed stone processing plants shall be controlled in accordance with 17.16.070 through 17.16.110.

F. The owner or operator of any affected facility subject to the provisions of this Section shall install, calibrate, maintain, and operate monitoring devices which can be used to determine daily the process weight of gravel or crushed stone produced. The weighing devices shall have an accuracy of  $\pm$  five percent over their operating range.

G. The owner or operator of any affected facility shall maintain a record of daily production rates of gravel or crushed stone produced.

H. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in this Section as follows:

a. Method 4 and 5 for concentration of particulate matter and moisture content.

b. Method 1 for sample and velocity traverses.

c. Method 2 for velocity and volumetric flow rate.

d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume is 0.85 dscm (30 dscf), except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the control officer. Sampling shall not be started until 30 minutes after start-up and shall be terminated before shutdown procedures commence. The owner or operator of the affected facility shall eliminate cyclonic flow during performance tests in a manner acceptable to the control officer. (Ord. 1993-\_\_\_ \$ \_\_, 1993)

17.16.380 Standards of performance for concrete batch plants.

Fugitive dust emitted from concrete batch plants shall be controlled in accordance with 17.16.070 through 17.16.110. (Ord. 1993-\_\_\_ \$ \_\_, 1993)

~~17.12.090~~ 17.16.400 Solvents and other organic materials.

A. The transportation or storage of solvents or other organic materials must be carried out in a way such that the solvents or gases will not significantly evaporate, leak, escape, or otherwise discharge into the atmosphere.

B. Hydrocarbon emissions from operation of an ethylene dichloride plant, polyvinyl chloride plant or vinyl chloride plant must be minimized by applying the following controls:

1. Discharging emergency relief valves through appropriate scrubbing systems;

2. Recovering reasonably completely the vapors from loading and unloading lines; and

3. Equipping and maintaining pumps, compressors, and agitator parts with double mechanical seals or equivalently effective vapor-tight seals.

C. Emissions of organic materials from dry cleaning equipment must be minimized by applying the following controls:

1. Pipe and hose fittings, flanges, valves, seals, storage-container covers, and other equipment must be serviced and maintained so that no liquid solvent leaks from any portion of the equipment;

2. Solvents must be stored in closed containers whose vents are no larger than the minimum diameter necessary for breathing;

3. Equipment, openings (e.g., washer lint traps, button traps, access doors, and other parts) must be kept closed except as required for proper operation and maintenance;

4. A dry cleaning operation which used chlorinated synthetic solvents must:

a. Cook the residual diatomaceous earth (in the solvent filter) sufficiently so that the wet material contains no more than twenty-five percent solvent (by weight) before being exposed to the atmosphere,

b. Prevent exposure to the atmosphere of residue from the solvent which contains more than sixty percent solvent by weight, and

c. Drain the cartridge filters for at least twenty-four hours in the filter housing before discarding disposing in accordance with applicable rules for hazardous waste, as the case may apply; and

5. A newly installed dry cleaning system or machine having a rated capacity of at least thirty pounds must be constructed, operated, and maintained so as to reduce emissions from the washer and dryer exhaust by at least ninety percent.

D. This subsection applies only to surface coating, solvent surface cleaning, and solvent degreasing, and other operations engaged in the employment or application of solvents. The provisions of 40 CFR 52.254, (b) through (n) in effect on ~~October 17, 1991~~ July 1, 1993 are hereby adopted by reference and made a part hereof. ~~Subparagraph (b)~~ 40 CFR 52.254 shall apply to new sources only.

1. No person shall conduct any spray paint operation without minimizing organic solvent emissions. Such operations other than architectural coating and spot painting, shall be conducted in an enclosed area equipped with controls containing no less than 96 percent of the overspray.

2. No owner or operator of a facility engaged in the surface coating of miscellaneous metal parts and products may operate a coating application system subject to this Section that emits volatile organic compounds in excess of any of the following:

a. 4.3 pounds per gallon (0.5 kilograms per liter) of coating, excluding water, delivered to a coating applicator that applies clear coatings.

b. 3.5 pounds per gallon (0.42 kilograms per liter) of coating, excluding water delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to 194°F (90°C).

c. 3.5 pounds per gallon (0.42 kilograms per liter) of coating, excluding water, delivered to a coating applicator that applies extreme performance coatings.

d. 3.0 pounds per gallon (0.36 kilograms per liter) of coating, excluding water, delivered to a coating applicator for all other coatings and coating application systems.

3. If more than one emission limitation in subdivision 2 of this subsection applies to a specific coating, then the least stringent emission limitation shall be applied.

4. All VOC emissions from solvent washings shall be considered in the emission limitations in subdivision 2 of this subsection, unless the solvent is directed into containers that prevent evaporation into the atmosphere.

E. This subsection applies to sources of organic materials not covered by subsections A, B, C, and D of this section. No person shall operate any process, machine, article, equipment or other contrivance having the capability of emitting more than 2.4 lbs/day of organic materials without reducing actual emissions and concentration through the following:

1. The source operator shall propose RACT for each applicable source at the time of permit application. The control officer will review and approve/disapprove each proposed RACT on a case by case basis; and

2. The point of discharge is;

a. At least twenty feet higher than any area of human use, and  
b. Is directed vertically at velocity sufficient to prevent downwash.

F. This rule does not apply to operations that are specifically covered in ~~17.12.060-17.16.230~~ of this Title. (Ord. 1993-\_\_\_ § \_\_\_, 1993; Ord. 1991-136 § 13, 1991; Ord. 1987-175 § 21, 1987; Ord. 1983-196 (part), 1983; Ord. 1979-93 (part), 1979)



~~17.12.120 Cotton gins~~ 17.16.410 Standards of performance for cotton gins.

~~A. The provisions of A.A.C., Title 18, Chapter 2, Article 5, Section R18-2-529, and Article 5, Section R18-2-501 that are applicable to cotton gins and in effect July 1, 1989 are adopted by reference and made a part hereof.~~

A. Fugitive dust, lint, bolls, cotton seed or other material emitted from a cotton gin or lying loose in a yard shall be collected and disposed of in an efficient manner or shall be treated in accordance with 17.16.070 through 17.16.110.

B. An opacity of 40 percent or less shall exempt the source from mass emissions testing. In the event that the cotton gin does not comply with the 40 percent opacity standard, the owner or operator may request the permission of the control officer to perform a mass emissions test observed by a representative of the Control Officer. Successful completion of this test will result in an adjustment to the simultaneous opacity standard in accordance with 17.16.130.E.

C. No person shall cause, allow, or permit the discharge of particulate matter into the atmosphere in any one hour from any cotton gin in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 4.10P^{0.67}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 55.0P^{0.11-40}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

D. The test methods and procedures required by this Section are as follows:

1. The reference methods in the Arizona Testing Manual and 40 CFR 60, Appendix A shall be used to determine compliance with this Section as follows:

a. Method A-2 for the measurement of particulate matter.

b. Method 1 for sample and velocity traverses.

c. Method 2 for velocity and volumetric flow rate.

d. Method 3 for gas analysis.

e. Method 9 for visible emissions.

2. For Method A-2, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dry standard cubic meters per hour (0.53 dry standard cubic feet per minute), except that shorter sampling times, when necessitated by progress variables or other factors, may be approved by the control officer. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1989-165 § 18, 1989; Ord. 1983-196 (part), 1983)

17.16.420 Standards of performance for ammonium sulfide manufacturing plants.

A. The provisions of this Section are applicable to the following affected facilities in ammonium sulfide manufacturing plants: sulfide unloading facilities, reactor-absorbers, bubble cap scrubbers, and fume incinerators.

B. No person shall cause, allow or permit to be emitted into the atmosphere, from any type of incinerator or other outlet smoke, fumes, gases, particulate matter or other gas-borne material, the opacity of which exceeds 20 percent.

C. No person shall cause, allow or permit to be emitted into the atmosphere from any emission point from any incinerator, or to pass a convenient measuring point near such emission point, particulate matter of concentrations in excess of 0.08 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12 percent carbon dioxide.

D. No person shall allow hydrogen sulfide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume for any averaging period of 30 minutes or more.

E. The owner or operator of any ammonium sulfide tailgas incinerator subject to the provisions of this Section shall do both of the following:

1. Install, calibrate, maintain, and operate a flow measuring device which can be used to determine either the mass or volume of tailgas charged to the incinerator. The flow measuring device shall have an accuracy of +5 percent over its operating range.

2. Provide access to the tailgas charged so that a well-mixed representative grab sample can be obtained.

F. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in this Section as follows:

a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;

b. Method 1 for sample and velocity traverses;

c. Method 2 for velocity and volumetric flow rate;

d. Method 3 for gas analysis and calculation of excess air, using the integrated sample technique;

e. Method 11 shall be used to determine the concentration of H<sub>2</sub>S and Method 6 shall be used to determine the concentration of SO<sub>2</sub>.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that shorter sampling times and smaller sample volumes, when necessitated by process variables or other factors, may be approved by the control officer.

3. Particulate matter emissions, expressed in g/dscm, shall be corrected to 12 percent CO<sub>2</sub> by using the following formula:

$$C_{12} = \frac{12C}{\%CO_2}$$

where:

$C_p$  = the concentration of particulate matter corrected to 12 percent CO<sub>2</sub>,  
Method 5, and  
 $c$  = the concentration of particulate matter as measured by Method 3, or, when applicable, the adjusted outlet CO<sub>2</sub> percentage.

4. If Method 11 is used, the gases sampled shall be introduced into the sampling train at approximately atmospheric pressure. Where fuel gas lines are operating at pressures substantially above atmosphere, this may be accomplished with a flow control valve. If the line pressure is high enough to operate the sampling train without a vacuum pump, the pump may be eliminated from the sampling train. The sample shall be drawn from a point near the centroid of the fuel gas line. The minimum sampling time shall be 10 minutes and the minimum sampling volume 0.01 dscm (0.35 dscf) for each sample. The arithmetic average of two samples of equal sampling time shall constitute one run. Samples shall be taken at approximately one-hour intervals. For most fuel gases, sample times exceeding 20 minutes may result in depletion of the collecting solution, although fuel gases containing low concentrations of hydrogen sulfide may necessitate sampling for longer periods of time.

5. If Method 5 is used, Method 1 shall be used for velocity traverses and Method 2 for determining velocity and volumetric flow rate. The sampling site for determining CO<sub>2</sub> concentration by Method 3 shall be the same as for determining volumetric flow rate by Method 2. The sampling point in the duct for determining SO<sub>2</sub> concentration by Method 3 shall be at the centroid of the cross section if the cross sectional area is less than 5 m<sup>2</sup> (54 ft<sup>2</sup>) or at a point no closer to the walls than 1 m (3.28 feet) if the cross sectional area is 5 m<sup>2</sup> or more and the centroid is more than one meter from the wall. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The minimum sampling time shall be ten minutes and the minimum sampling volume 0.01 dscm (0.36 dscf) for each sample. The arithmetic average of two samples of equal sampling time shall constitute one run. Samples shall be taken at approximately one-hour intervals. (Ord. 1993-\_\_\_ § \_\_\_, 1993)

#### 17.16.430 Standards of performance for unclassified sources.

A. No existing source which is not otherwise subject to standards of performance under this Article or Chapter 17.16, Article VI or Chapter 17.16, Article VII shall cause or permit the emission of pollutants at rates greater than the following:

1. For particulate matter discharged into the atmosphere in any one hour from any unclassified process source in total quantities in excess of the amounts calculated by one of the following equations:

A. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.42}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.  
P = the process weight in tons-mass per hour.

B. For process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in paragraph A of this subdivision.

2. Sulfur dioxide -- 600 parts per million.

3. Nitrogen oxides expressed as NO(2) -- 500 parts per million.

B. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. No person shall emit gaseous or odorous materials from equipment, operations or premises under his control in such quantities or concentrations as to cause air pollution.

E. No person shall operate or use any machine, equipment or other contrivance for the treatment or processing of animal or vegetable matter, separately or in combination, unless all gaseous vapors and gas entrained effluents from such operations, equipment or contrivance have been either:

1. Incinerated to destruction, as indicated by a temperature measuring device, at not less than 1,200 degrees Fahrenheit if constructed or reconstructed prior to January 1, 1989, or 1600 degrees Fahrenheit with a minimum residence time of 0.5 seconds if constructed or reconstructed thereafter; or

2. Passed through such other device which is designed, installed and maintained to prevent the emission of odors or other air contaminants and which is approved by the control officer.

F. Materials including solvents or other volatile compounds, paints, acids, alkalies, pesticides, fertilizers and manure shall be processed, stored, used and transported in such a manner and by such means that they will not evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution. Where means are available to reduce effectively the contribution to air pollution from evaporation, leakage or discharge, the installation and use of such control methods, devices, or equipment shall be mandatory.

G. No person shall allow hydrogen sulfide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume for any averaging period of 30 minutes or more.

H. No person shall cause, allow or permit discharge from any stationary source carbon monoxide emissions without the use of complete secondary combustion of waste gases generated by any process source.

I. No person shall allow hydrogen cyanide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.3 parts per million by volume for any averaging period of eight hours.

J. No person shall allow sodium cyanide dust or dust from any other solid cyanide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 140 micrograms per cubic meter for any averaging period of eight hours. (Ord. 1993-\_\_\_ § \_\_, 1993)

Article V. Emissions from New and Existing Portable Sources.

17.16.440 Classification of portable sources.

A. This Article is applicable to portable sources which either move while emitting air contaminants or are frequently moved during the course of their utilization but are not classified as motor vehicles, agricultural vehicles, or agricultural equipment used in normal farm operations.

B. Unless otherwise specified, no portable source shall emit smoke or dust the opacity of which exceeds 40 percent. (Ord. 1993-\_\_\_ § \_\_, 1993)

17.16.450 Off-road machinery.

A. No person shall cause, allow or permit to be emitted into the atmosphere from any off-road machinery, visible emissions for any period greater than ten consecutive seconds, the opacity of which exceeds 40 percent. Visible emissions when starting cold equipment shall be exempt from this requirement for the first ten minutes.

B. Off-road machinery shall include trucks, graders, scrapers, rollers, locomotives and other construction and mining machinery not normally driven on a completed public roadway. (Ord. 1993-\_\_\_ § \_\_, 1993)

17.16.460 Heater-planer units.

No person shall cause, allow or permit to be emitted into the atmosphere from any heater-planer operated for the purpose of reconstructing asphalt pavements smoke the opacity of which exceeds 20 percent. However three minutes' upset time in any one hour shall not constitute a violation of this Section. (Ord. 1993-\_\_\_ § \_\_, 1993)

17.16.470 Roadway and site cleaning machinery.

A. No person shall cause, allow or permit to be emitted into the atmosphere from any roadway and site cleaning machinery smoke or dust for any period greater than ten consecutive seconds, the opacity of which exceeds 40 percent. Visible emissions when starting cold equipment shall be exempt from this requirement for the first ten minutes.

B. In addition to complying with subsection A of this Section, no person shall cause, allow or permit the cleaning of any site, roadway, or alley without taking reasonable precautions to prevent particulate matter from becoming airborne. Reasonable precautions may include applying dust suppressants. Earth or other material shall be removed from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water or by other means. (Ord. 1993-\_\_\_ § \_\_, 1993)

~~-17.12.040-~~ 17.16.480 Asphalt or tar kettles.

~~A. Emissions from the operation of an asphalt kettle must be minimised by the following controls:~~

- ~~1. Maintaining the temperature below the asphalt flash point and below the maximum recommended by the asphalt manufacturer;~~
- ~~2. Operating the kettle with lid closed except when charging;~~
- ~~2. Pumping the asphalt from the kettle or the drawing of asphalt through cocks with no dipping;~~
- ~~4. Maintaining the kettle in clean, properly adjusted, and good operating condition; and~~
- ~~5. Firing the kettle with liquid petroleum gas or other low polluting fuel.~~

A. No person shall cause, allow or permit to be emitted into the atmosphere from any asphalt or tar kettle smoke for any period greater than ten consecutive seconds, the opacity of which exceeds 40 percent.

B. In addition to complying with subsection A of this Section, no person shall cause, allow or permit the operation of an asphalt or tar kettle without minimizing air contaminant emissions by utilizing all of the following control measures:

1. The control of temperature recommended by the asphalt or tar manufacturer;

2. The operation of the kettle with lid closed except when charging;

3. The pumping of asphalt from the kettle or the drawing of asphalt through cocks with no dripping;

4. The dipping of tar in an approved manner;

5. The maintaining of the kettle in clean, properly adjusted, and good operating condition;

6. The firing of the kettle with liquid petroleum gas or other fuels acceptable to the control officer. (Ord. 1993-\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

#### Article VI. New Source Performance Standards.

~~17.13.210 New Source Performance Standards (NSPS).~~

17.16.490 Standards of performance for new stationary sources (NSPS).

~~A. The provisions of 40 CFR 60, in effect on October 1, 1991 are hereby adopted by reference and made a part hereof. The following portions of 40 CFR 60 are not included in this adoption by reference: 40 CFR 60.4, Subparts B and C, and the subsections listed below:~~

<del>60.105(a)(13)(iii)</del>	<del>60.539</del>
<del>60.106(g)(12)</del>	<del>60.543(c)(2)(ii)(b)</del>
<del>60.111b(f)(4)</del>	<del>60.613(e)</del>
<del>60.113b(c)(1)</del>	<del>60.663(e)</del>
<del>60.114b</del>	<del>60.711(a)(16)</del>
<del>60.116b(e)(3)(iii)</del>	<del>60.713(b)(1)(i)</del>
<del>60.116b(e)(3)(iv)</del>	<del>60.713(b)(5)(i)</del>
<del>60.116b(f)(2)(iii)</del>	<del>60.713(d)</del>
<del>60.153(e)</del>	<del>60.715(a)</del>
<del>60.216(d)</del>	<del>60.716</del>
<del>60.456(d)</del>	<del>60.723(b)(1)</del>
<del>60.496(e)</del>	<del>60.723(b)(2)(i)(G)</del>
<del>60.530(G)</del>	<del>60.723(b)(2)(iv)</del>
<del>60.531</del>	<del>60.724(e)</del>
<del>60.533</del>	<del>60.725(b)</del>
<del>60.534</del>	<del>60.743(a)(3)(v)(A) and (B)</del>
<del>60.535</del>	<del>60.743(e)</del>
<del>60.537</del>	<del>60.745(a)</del>
<del>60.538(E)</del>	<del>60.746</del>

A. Except as provided in subsection B of this section, 17.16.500 through 17.16.520, 40 C.F.R. §§ 60.1 through 60.748, and accompanying appendices, the federal standards of performance for new stationary sources adopted as of July 1, 1993, as listed below, are incorporated herein by reference.

1. Subpart A - General Provisions.

2. Subpart D - Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971.

3. Subpart Da - Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.

4. Subpart Db - Industrial-Commercial-Institutional Steam Generating Units.

5. Subpart Dc - Small Industrial-Commercial-Institutional Steam Generating Units.

6. Subpart E - Incinerators.

7. Subpart Ea - Municipal Waste Combustors.

8. Subpart F - Portland Cement Plants.

9. Subpart G - Nitric Acid Plants.

10. Subpart H - Sulfuric Acid Plants.

11. Subpart I - Hot Mix Asphalt Facilities.

12. Subpart J - Petroleum Refineries.

13. Subpart K - Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.

14. Subpart Ka - Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.

15. Subpart Kb - Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.

16. Subpart L - Secondary Lead Smelters.

17. Subpart M - Secondary Brass and Bronze Ingot Production Plants.

18. Subpart N - Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.

19. Subpart Na - Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.

20. Subpart O - Sewage Treatment Plants.

21. Subpart P - Primary Copper Smelters.

22. Subpart Q - Primary Zinc Smelters.

23. Subpart R - Primary Lead Smelters.

24. Subpart S - Primary Aluminum Reduction Plants.

25. Subpart T - Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

26. Subpart U - Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

27. Subpart V - Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
28. Subpart W - Phosphate Fertilizer Industry: Triple Superphosphate Plants.
29. Subpart X - Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
30. Subpart Y - Coal Preparation Plants.
31. Subpart Z - Ferroalloy Production Facilities.
32. Subpart AA - Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983.
33. Subpart AAA - Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.
34. Subpart BB - Kraft Pulp Mills.
35. Subpart CC - Glass Manufacturing Plants.
36. Subpart DD - Grain Elevators.
37. Subpart EE - Surface Coating of Metal Furniture.
38. Subpart GG - Stationary Gas Turbines.
39. Subpart HH - Lime Manufacturing Plants.
40. Subpart KK - Lead-Acid Battery Manufacturing Plants.
41. Subpart LL - Metallic Mineral Processing Plants.
42. Subpart MM - Automobile and Light Duty Truck Surface Coating Operations.
43. Subpart NN - Phosphate Rock Plants.
44. Subpart PP - Ammonium Sulfate Manufacture.
45. Subpart OO - Graphic Arts Industry: Publication Rotogravure Printing.
46. Subpart RR - Pressure Sensitive Tape and Label Surface Coating Operations.
47. Subpart SS - Industrial Surface Coating: Large Appliances.
48. Subpart TT - Metal Coil Surface Coating.
49. Subpart UU - Asphalt Processing and Asphalt Roofing Manufacture.
50. Subpart VV - Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
51. Subpart WW - Beverage Can Surface Coating Industry.
52. Subpart XX - Bulk Gasoline Terminals.
53. Subpart AAA - New Residential Wood Heaters.
54. Subpart BBB - Rubber Tire Manufacturing Industry.



55. Subpart DDD - Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.

56. Subpart FFF - Flexible Vinyl and Urethane Coating and Printing.

57. Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries.

58. Subpart HHH - Synthetic Fiber Production Facilities.

59. Subpart III - Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.

60. Subpart JJJ - Petroleum Dry Cleaners.

61. Subpart KKK - Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.

62. Subpart LLL - Onshore Natural Gas Processing: SO<sub>x</sub> Emissions.

63. Subpart NNN - Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.

64. Subpart OOO - Nonmetallic Mineral Processing Plants.

65. Subpart PPP - Wool Fiberglass Insulation Manufacturing Plants.

66. Subpart QQQ - VOC Emissions From Petroleum Refinery Wastewater Systems.

67. Subpart SSS - Magnetic Tape Coating Facilities.

68. Subpart TTT - Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.

69. Subpart VVV - Polymeric Coating of Supporting Substrates Facilities.

B. As used in 40 CFR Part 60: "Administrator" means the control officer, except that the control officer shall not be empowered to approve alternate or equivalent test methods nor to deal with equivalency determinations or innovative technology waivers. (Ord. 1993-\_\_\_ § \_\_\_, 1993; Ord. 1991-136 § 15, 1991: Ord. 1990-113 § 6, 1990: Ord. 1989-165 § 21, 1989: Ord. 1988-117 § 2, 1988: Ord. 1986-227 § 1 (part), 1986: Ord. 1985-126 (part), 1985: Ord. 1983-196 (part), 1983)

17.16.500 Standards of performance for fossil-fuel fired steam generators.

As exceptions to 40 CFR §§ 60.40 through 60.47:

1. In place of 40 CFR § 60.43(a)(2) the following language shall be substituted: 340 nanograms per joule heat input (0.8 pounds per million Btu) derived from solid fossil fuel or solid fossil fuel and wood residue.

2. Delete 40 CFR § 60.43(b).

3. For those persons who obtained an installation permit prior to May 14, 1979 for two or more fuel burning equipment or steam power generating installations, which permitted such persons to comply with the sulfur dioxide emission standards specified in 17.16.490 and this section as if such equipment or installations constituted one emission discharge point:

a. Those persons shall comply with the applicable sulfur dioxide emission standards in the manner specified in their installation permit.

b. The control officer shall incorporate such emission standards into each person's operating permit as an enforceable permit condition.

c. In no event shall any one fuel burning equipment or steam power generating installation emit sulfur dioxide in excess of:

(i) 520 nanograms per joule heat input (1.2 pounds per million BTU) for solid fossil fuel or solid fossil fuel and wood residue.

(ii) 340 nanograms per joule heat input (0.8 pounds per million BTU) for liquid fossil fuel or liquid fossil fuel and wood residue.  
(Ord. 1993-\_\_ § \_\_, 1993)

#### 17.16.510 Standards of performance for incinerators.

A. Incinerators with a charging rate of more than 45 metric tons or 49.6 tons per day shall conform to the requirements of 40 CFR §§ 60.50 through 60.54.

B. Incinerators with a charging rate of 45 metric tons or 49.6 tons per day or less, that commence construction or modification after May 14, 1979, shall conform to the requirements of 40 CFR §§ 60.52 through 60.54 and of 17.16.170.  
(Ord. 1993-\_\_ § \_\_, 1993)

#### 17.16.520 Standards of performance for storage vessels for petroleum liquids.

In addition to 40 CFR 60.110-60.113:

1. Any petroleum liquid storage tank of less than 40,000 gallons (151,412 liters) capacity shall be equipped with a submerged filling device or acceptable equivalent as determined by the control officer for the control of hydrocarbon emissions.

2. All facilities for dock loading of petroleum products having a vapor pressure of 2.0 pounds per square inch absolute, or greater, at loading pressure shall provide for submerged filling or other acceptable equivalent for control of hydrocarbon emissions.

3. All pumps and compressors which handle volatile organic compounds shall be equipped with mechanical seals or other equipment of equal efficiency to prevent the release of organic contaminants into the atmosphere. (Ord. 1993-\_\_ § \_\_, 1993)

### Article VII. National Emission Standards for Hazardous Air Pollutants.

~~17.12.200~~ 17.16.530 National Emissions Standards for Hazardous Air Pollutants (NESHAP).

~~A. The following provisions of 40 CFR 61 in effect on October 1, 1991 July 1, 1993 are hereby adopted by reference and made apart hereof. The following portions of 40 CFR 61 are not included in this adoption by reference: 40 CFR 61.04, Subparts B, H, I, and K.~~

~~B. In addition to any other requirements in this chapter, building inspections pertaining to any demolition or renovation project must be accomplished by an EPA accredited asbestos building inspector prior to the start of demolition. The result of such inspections, including negative declarations, must be submitted on the "EPA NESHAPS Notification of Demolition and Renovation" form to the control officer at the time of application for a demolition permit. Private residence demolition or renovation is exempt from this requirement.~~

~~C. Areas within facilities where regulated asbestos containing material (RACM) is being abated shall be so designed as to allow viewing from the outside either~~

~~through ports or video monitoring. This requirement applies only where NESHAPs notification are required for demolition or renovation.~~

1. Subpart A - General Provisions.
2. Subpart C - Beryllium.
3. Subpart D - Beryllium Rocket Motor Firing.
4. Subpart E - Mercury.
5. Subpart F - Vinyl Chloride.
6. Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene.
7. Subpart L - Benzene Emissions from Coke By-Product Recovery Plants.
8. Subpart M - Asbestos.
9. Subpart N - Inorganic Arsenic Emissions from Glass Manufacturing Plants.
10. Subpart O - Inorganic Arsenic Emissions from Primary Copper Smelters.
11. Subpart P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production.
12. Subpart V - Equipment Leaks (Fugitive Emission Sources).
13. Subpart Y - Benzene Emissions From Benzene Storage Vessels.
14. Subpart BB - Benzene Emissions from Benzene Transfer Operations.
15. Subpart FF - Benzene Waste Operations.  
(Ord. 1993- S , 1993; Ord. 1991-136 S 14, 1991: Ord. 1988-117 S 1, 1988: Ord. 1986-227 S 1 (part), 1986: Ord. 1985-126 (part), 1985; Ord. 1983-196 (part), 1983)

17.16.540 Pima County requirements for asbestos renovation and demolition projects.

The control officer requires the following within Pima County in addition to the requirements of the asbestos NESHAP (40 CFR 61, subpart M).

A. Certification, training, and record keeping requirements

1. NESHAP facilities scheduled for demolition or renovation shall be inspected by a currently certified AHERA accredited asbestos building inspector (herein referenced as building inspector), as required by either AHERA or ASHARA.

2. The following individuals shall register with the control officer and submit copies of current training certificates, color photocopy of identification card(s) issued by the AHERA training provider, and any other documentation requested by the control officer prior to conducting inspections of NESHAP facilities, designing asbestos abatement jobs or supervising asbestos abatement jobs at NESHAP facilities:

- a. On-site asbestos abatement supervisors,
- b. Building inspectors; and
- c. Project designers;

3. The following contractors shall register with the control officer on a form provided by the department prior to conducting work at NESHAP facilities in Pima County:

- a. Asbestos abatement contractors;
- b. Demolition (wrecking) contractors;
- c. Re-roofing or roofing removal contractors involved with asbestos-containing roofing materials (ACRM);
- d. General contractors removing or disturbing regulated asbestos-containing material (RACM) from structures; and
- e. Flooring contractors removing vinyl asbestos tile and mastic materials.

4. Failure to register pursuant to subdivision 3 of this subsection shall be grounds for denial of issuance of Activity Permits for asbestos removal, renovation or demolition.

5. The building owner shall maintain a copy of the NESHAP facility inspection report for two years, including laboratory test results of samples collected, and shall submit a statement to the control officer verifying the facility was inspected and whether or not ACM was found.

6. All asbestos workers shall be AHERA trained, and an AHERA/ASHARA trained asbestos contractor/supervisor shall be on-site at all times during active asbestos abatement work.

#### B. NESHAP facility requirements.

1. Removal of RACM, Category I ACM and Category II ACM from a NESHAP facility, when the RACM to be disturbed is at or above EPA threshold amounts of: 260 linear feet on pipes, 160 square feet on other facility components, or 35 cubic feet off facility components, requires the following:

a. Ten working days EPA NESHAP notification to the control officer prior to disturbing the ACM;

b. Inspection of the facility within the previous twelve months; and

c. An activity permit for ACM Removal at least ten working days prior to the start of removal. The fee for this permit shall be \$420.

2. Removal of RACM when the amount of RACM to be disturbed is below EPA threshold amounts as listed in subdivision 1 of this section, or any amount of Category I nonfriable ACM, and Category II nonfriable ACM from a NESHAP facility requires the following:

a. Ten working days EPA NESHAP notification to the control officer prior to disturbing the ACM;

b. Inspection of the facility within the previous twelve months;  
and

c. An activity permit for the removal at least ten working days prior to removal. The fee for this permit shall be \$120.

3. Removal of Asbestos-Containing Roofing Material (ACRM) with a rotating blade roof cutter or similar equipment from a NESHAP facility with a roof surface area greater than 5,580 square feet requires the following:

a. Ten working days EPA NESHAP notification;

b. The presence of an on-site contractor/supervisor; and

c. An activity permit for ACRM removal at least ten working days prior to the start of removal. The fee for this permit shall be \$40.

4. Removal of ACRM without a rotating blade roof cutter or similar equipment from a NESHAP facility with a roof surface area greater than 5,580 requires an activity permit for ACRM removal at least three working days prior to the start of removal. The fee for this permit shall be \$40.

5. Removal of ACRM from a NESHAP facility with a roof surface area less than or equal to 5,580 square feet requires an activity permit for ACRM removal at least three working days prior to the start of removal. The fee for this permit shall be \$40.

6. Renovation operations involving individual nonscheduled operations in which the projected amount of RACM to be removed during the calendar year exceeds the EPA threshold amounts requires an activity permit for asbestos O&M Operations. Permit application and NESHAP notification, including the projected RACM to be removed during the upcoming calendar year shall be submitted to the control officer between December 15 and December 31. Permits are annually renewable. The fee for this permit shall be \$25.

7. Demolition of a NESHAP facility or load-bearing support structure at a NESHAP facility requires the following:

a. Ten working days EPA NESHAP notification prior to the start of demolition, even if no asbestos is present;

b. Inspection of the facility within the previous twelve months;

c. Removal of all ACM prior to demolition, including all: RACM, Category I & II ACM, and ACRM; and

d. An activity permit for demolition at least ten working days prior to the start of demolition. The fee for this permit shall be \$200.

C. Non-NESHAP facility requirements.

1. Removal of RACM from residential structures, excluding single family dwelling units, which contain RACM in amounts greater than 21 linear feet, 9 square feet, and 3 cubic feet requires a permit from the department. The fee for this permit shall be \$35.00.

2. Demolition of a non-NESHAP facility, excluding single family dwelling units requires the following:

a. Removal of all ACM in an amount greater than 100 square feet prior to the start of demolition; and

b. An activity permit for demolition at least three working days prior to the start of demolition. The fee for this permit shall be \$30.

c. Nothing in this subdivision shall preclude the requirement for an activity permit if the single family dwelling unit is required to obtain an activity permit according to section 17.12.470.

D. Asbestos renovation and demolition standards.

1. Asbestos-containing roofing materials (ACRM). When portions of ACRM becomes friable, such as by using a mechanical roof cutter, or when ACRM becomes significantly damaged when being handled or is in poor condition, that portion of the ACRM that becomes friable and is greater than 160 square feet of RACM shall be treated and disposed of as friable RACM and reported on the Asbestos NESHAP Notification.

2. Asbestos-containing roofing materials that remain non-friable ACRM shall be removed so as not to create visible dust emissions during removal and transport to the disposal site.

3. Inspection viewing devices, at NESHAP facilities, are required at all asbestos renovation and abatement projects where RACM is being abated, except for roofing projects involving ACRM exclusively. These viewing devices shall be so designed as to allow inspector viewing from the outside, either through ports or by video monitoring.

4. The friable portion of ACM shall be kept adequately wet and contained in transparent, leak-tight wrapping or 6-mil poly bags to prevent dust emissions during removal, transport, storage, and proper landfill disposal following local, county, state, and federal regulations. Each wrapping or bag shall be labelled with the name and address of the location that generated the asbestos-containing material.

5. In addition to any other penalties, any person who knowingly submits any record or document that is not complete and accurate is tampering with a public record and subject to prosecution under the provisions of A.R.S. 13-2407, Tampering with a public record.

(Ord. 1993-\_\_ \$ \_\_, 1993)

#### **Article VIII. New Major Sources and Major Modifications to Existing Major Sources.**

##### **17.16.550 General.**

A. No person shall commence construction of a new major source as defined in 17.04.340 (123 a. and c.) or the major modification of a source without first obtaining a permit or a permit revision from the control officer.

B. An application for a permit or permit revision under this Article shall not be considered complete unless the application demonstrates that:

1. The requirements in Subsection C. of this Section are met;

2. The more stringent of the applicable new source performance standards in Article VI or the existing source performance standards in Article IV are applied to the proposed new major source or major modification of a major source;

3. The visibility requirements contained in 17.16.630 are satisfied;

4. All applicable provisions of Chapter 17.12 are met;

5. The new major source or major modification will be in compliance with whatever emission limitation, design, equipment, work practice or operational standard, or combination thereof is applicable to the source or modification.

a. The degree of emission limitation required for control of any pollutant under this Article shall not be affected in any manner by:

(i) Stack height in excess of GEP stack height except as provided in 17.12.360, or,

(ii) Any other dispersion technique, unless implemented prior to December 31, 1970.

6. The new major source or major modification will not exceed the applicable standards for hazardous air pollutants contained in this Title.

7. The new major source or major modification will not exceed the limitations, if applicable, on emission from nonpoint sources contained in Article III of this chapter.

8. A stationary source that will emit 5 or more tons of lead per year will not violate the ambient air quality standards for lead as contained in 17.08.070.

9. The new major source or major modification will not have an adverse impact on visibility, as determined according to 17.16.630.

C. Except for assessing air quality impacts within Class I areas, the air impact analysis required to be conducted in connection with the filing for a permit shall initially consider only the geographical area located within a fifty (50) kilometer radius from the point of greatest emissions for the new major source or major modification. The control officer (on his own initiative or upon receipt of written notice from any person) shall have the right at any time to request an enlargement of the geographical area for which an air quality impact analysis is to be performed by giving the person applying for the permit or permit revision written notice thereof, specifying the enlarged radius to be so considered. In performing an air impact analysis for any geographical area with a radius of more than fifty (50) kilometers, the person applying for the permit or permit revision may use monitoring or modeling data obtained from major sources having comparable emissions or having emissions which are capable of being accurately used in such demonstration, and which are subjected to terrain and atmospheric stability conditions which are comparable or which may be extrapolated with reasonable accuracy for use in such demonstration.

D. In addition to or in lieu of the requirements of Chapter 17.12, the control officer shall comply with following requirements:

1. Within thirty days after receipt of an application for a permit or permit revision subject to this Article, or any addition to such application, the control officer shall advise the applicant of any deficiency, the date of receipt of the application shall be, for the purpose of this Section, the date on which the control officer received all required information. The permit application shall not be deemed complete if the control officer fails to meet the requirements of this paragraph.

2. A copy of any notice required by 17.12.340 shall be sent to the permit applicant, to the Administrator, and to the following officials and agencies having cognizance over the location where the proposed major source or major modification would occur:

a. The air pollution control officer, if one exists, for the county wherein the proposed or existing source that is the subject of the permit or permit revision application is located;

b. The county manager for the county wherein the proposed or existing source that is the subject of the permit or permit revision application is located;

c. The city or town managers of the city or town within which, and any city or town the boundaries of which are within five miles of the proposed or existing source that is the subject of the permit or permit revision application is located;

d. Any regional land use planning agency with authority for land use planning in the area where the proposed or existing source that is the subject of the permit or permit revision application is located; and

e. Any state, Federal Land Manager, or Indian governing body whose lands may be affected by emissions from the proposed source or modification.

3. The control officer shall take final action on the application within one year of the proper filing of the completed application. The control officer shall notify the applicant in writing of his approval or denial.

4. The control officer shall cancel a permit or permit revision under this Article issued under this Section if the proposed construction or major

modification is not begun within 18 months of issuance, or if during the construction or major modification, work is suspended for more than 18 months.  
(Ord. 1993-\_\_\_ § \_\_, 1993)

17.16.560 Permits for sources located in nonattainment areas.

A. Except as provided in subsections C. through I. of this section, no permit or permit revision under this Article shall be issued to a person proposing to construct a new major source or make a major modification to a source located in any nonattainment area for the pollutant(s) for which the source is classified as a major source or the modification is classified as a major modification unless:

1. The person demonstrates that the new major source or the major modification will meet an emission limitation which is the lowest achievable emission rate (LAER) for that source for that specific pollutant(s). In determining lowest achievable emission rate for a reconstructed stationary source, the provisions of 40 CFR 60.15(f)(4) shall be taken into account in assessing whether a new source performance standard is applicable to such stationary source.

2. The person certifies that all existing major sources owned or operated by that person (or any entity controlling, controlled by, or under common control with that person) in the State are in compliance or on a schedule of compliance with all conditions contained in permits of each of the sources and all other applicable emission limitations and standards under the Act and this Title.

3. The person demonstrates that emission reductions for the specific pollutant(s) from source(s) in existence in the allowable offset area of the new major source or major modification (whether or not under the same ownership) meet the offset and net air quality benefit requirements of 17.16.570.

B. No permit or permit revision under this Article shall be issued to a person proposing to construct a new major source or make a major modification to a major source located in a nonattainment area unless:

1. The person performs an analysis of alternative sites, sizes, production processes and environmental control techniques for such new major source or major modification; and

2. The control officer determines that the analysis demonstrates that the benefits of the new major source or major modification outweigh the environmental and social costs imposed as a result of its location, construction or modification.

C. At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as restriction on hours of operation, then the requirements of this Section shall apply to the source or modification as though construction had not yet commenced on the source or modification.

D. Secondary emissions shall not be considered in determining the potential to emit of a new source or modification and therefore whether the new source or modification is major. However, if a new source or modification is subject to this Section on the basis of its direct emissions, permit or permit revision under this Article to construct the new source or modification shall be denied unless the conditions specified in subdivisions 1. and 2. of Subsection A. of this Section are met for reasonably quantifiable secondary emissions caused by the new source or modification.

E. A permit to construct a new source or modification shall be denied unless the conditions specified in subdivisions 1., 2., and 3. of subsection A. of this



Section are met for fugitive emissions caused by the new source or modification.

F. The requirements of A.3. of this Section shall not apply to temporary emission sources, such as pilot plants and portable sources, which are only temporarily located in the nonattainment area, are otherwise regulated by a permit, and are in compliance with the conditions of that permit.

G. A decrease in actual emissions shall be considered in determining the potential of a new source or modification to emit only to the extent that the control officer has not relied on it in issuing any permit or permit revision under this article or the State has not relied on it in demonstrating attainment or reasonable further progress. (Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.16.570 Offset and net air quality benefit standards.

A. Increased emissions by a major source or major modification subject to this Article shall be offset by reductions in the emissions of each pollutant for which the area has been designated as nonattainment and for which the source or modification is classified as major. Such offset may be obtained by reductions in emissions from the source or modification, or from any other source in existence within the allowable offset area, on the startup date of the new major source or major modification.

1. Credit for an emissions offset can be used only if it has not been relied upon in demonstrating attainment or reasonable further progress, and if it has not been relied upon previously in issuing a permit or permit revision under this Article pursuant to 17.16.550 and 17.16.560 or not otherwise required under this Chapter or under any provision of the SIP.

B. An offset shall not be sufficient unless reductions of total emissions for the particular pollutant for which the offset is required will be:

1. Obtained from sources within the allowable offset area;

2. A surplus emission, which is an emission reduction not required by current regulations in the SIP; not already relied upon for SIP planning purposes; and not used by the source to meet any other regulatory requirement, including, at the ERC's time of use, RACT, RFP or milestones therefor, or demonstration of attainment;

3. An emission enforceable by the Administrator;

4. A quantifiable emission. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, process or production inputs, modeling or other reasonable measurement practices. Quantification methods shall be credible, workable, and replicable. The method for calculating emission should be used to measure the emissions both before and after the changes in emission levels, both at the generator and at the user of the ERCs;

5. A permanent emission as defined in subsection K of this section; and

6. Sufficient to satisfy the control officer that emissions from the new major source or major modification, together with the offset, will result in reasonable further progress for that pollutant.

C. In ozone nonattainment areas classified as marginal, total emissions of VOC and oxides of nitrogen from other sources shall offset those proposed or permitted from the major source or major modification by a ratio of at least 1.10 to 1. In ozone nonattainment areas classified as moderate, total emissions of VOC and oxides of nitrogen from other sources shall offset those proposed or permitted from the major source or major modification by a ratio of at least 1.15 to 1. New major sources and major modifications in serious and severe ozone

nonattainment areas shall conform to the requirements of this section and 17.16.580.

D. Only intrapollutant emission offsets shall be allowed. Intrapollutant emission offsets for precursors of ozone shall include offset reductions in emissions of volatile organic compounds. Intrapollutant emission offsets for precursors of nitrogen dioxide shall include offset reductions in emissions of oxides of nitrogen.

E. For purposes of this Section, "net air quality benefit" shall mean that during similar time periods either a. or b. below, is applicable:

1. A reduction in the number of violations of the applicable Arizona ambient air quality standard within the allowable offset area has occurred and the following mathematical expression is satisfied:

$$\left( \sum_{i=1}^N \frac{x_i - C}{N} \right) \leq \left( \sum_{j=1}^K \frac{x_j - C}{K} \right)$$

C = The applicable Arizona ambient air quality standard

x<sub>i</sub> = The concentration level of the violation at the i<sup>th</sup> receptor for such pollutant after offsets.

N = The number of violations for such pollutant after offsets (N ≤

K).

x<sub>j</sub> = The concentration level of the violation at the j<sup>th</sup> receptor from such pollutant before offsets.

K = The number of violations for such pollutant before offsets.

2. The average of the ambient concentrations within the allowable offset area following the implementation of the contemplated offsets will be less than the average of the ambient concentrations within the allowable offset area without the offsets.

F. Baseline further defined:

1. For the purpose of this Section, the baseline of total emissions from any sources in existence or sources which have obtained a permit or permit revision under this Article (regardless of whether or not such sources are in actual operation at the time of filing of the permit or permit revision application under this Article for any particular pollutant) shall be the total emissions allowed by the regulatory emission limitations in effect at the time the application is filed. In addition, the baseline of total emissions shall consist of all emission limitations included as conditions on Federally enforceable permits except that the offset baseline shall be the actual emissions of the source from which offset credit is obtained where:

a. No emission limitations are applicable to a source from which offsets are being sought; or

b. The demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emissions of sources located within a designated nonattainment area.

2. Where the emission limitations for a particular pollutant allow greater emissions than the actual emission rate of the source for that pollutant, the baseline shall be the actual emission rate at the time the permit or permit revision application under this article is filed and emissions offset credit shall be allowed only for control below the actual emission rate.

G. For an existing fuel combustion source, offset credit shall be based on the allowable emissions under the regulations or permit conditions applicable to the source for the type of fuel being burned at the time the permit or permit revision application under this article is filed. If an existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the actual emissions for the fuels involved shall not be acceptable unless:

1. The permit or permit revision under this Article for the source specifically requires the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date; and,

2. The source demonstrates to the satisfaction of the control officer that it has secured an adequate long-term supply of the cleaner fuel.

H. Offsets shall be made on either a pounds-per-hour, pounds-per-day, or tons-per-year basis, whichever is applicable, when all facilities involved in the emission offset calculations are operating at their maximum expected or allowed production rate and, except as otherwise provided in subsection E. of this section, utilizing the type of fuel burned at the time the permit or permit revision application under this article is filed. A tons-per-year basis shall not be used if the new or modified source or the source offsets is not expected to operate throughout the entire year. No emissions credit may be allowed for replacing one VOC with another VOC of lesser reactivity.

I. Emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels may be credited, provided that the work force to be affected has been notified of the proposed shutdown or curtailment. Source shutdowns and curtailments in production or operating hours occurring prior to the date the new major source or major modification application is filed generally may not be used for emissions offset credit. However, where an applicant can establish that it shut down or curtailed production after August 7, 1977, or less than one year prior to the date of permit or permit revision application under this article, whichever is earlier, and the proposed new major source or major modification is a replacement for the shutdown or curtailment, credit for such shutdown or curtailment may be applied to offset emissions from the new source or modification.

J. The allowable offset area shall refer to the geographical area in which the sources whose emissions are being sought for purposes of offsetting emissions from a new major source or major modification are located. For the pollutants sulfur dioxide, particulate matter and carbon monoxide, the allowable offset area shall be determined by atmospheric dispersion modeling. If the emission offsets are obtained from a source on the same premises or in the immediate vicinity of the new major source or major modification, and the pollutants disperse from substantially the same effective stack height, atmospheric dispersion modeling shall not be required. The allowable offset area for all other pollutants shall be the nonattainment areas for those pollutants within which the new major source or major modification is to be located.

K. An emission reduction may only be used to offset emissions if the reduced level of emissions will continue for the life of the new source or modification and if the reduced level of emissions is federally enforceable. It shall be considered federally enforceable if the following conditions are met by the time such source or modification commences operation:

1. The emission reduction is included as a condition in the permit of the source relied upon to offset the emissions from the new major source or major modification, or in the case of reductions from sources controlled by the applicant, is included as a condition of the permit or permit revision under this Article for the new major source or major modification, or is adopted as a part of these rules or comparable rules and regulations of any other governmental entity or is contractually enforceable by the Department.

2. The permit conditions, regulations, or contractual conditions containing, governing or otherwise describing the emission reduction have been approved by the Administrator for inclusion in the State Implementation Plan adopted pursuant to Section 110 of the Act (Implementation Plans). (Ord. 1993-\_\_ § \_\_, 1993)

17.16.580 Special rule for sources of VOC or oxides of nitrogen in ozone nonattainment areas classified as serious or severe.

A. Applicability. The provisions of this section only apply to stationary sources of VOC or oxides of nitrogen in ozone nonattainment areas classified as serious or severe. Unless otherwise provided in this section, all requirements of Chapter 17.12 and Articles III and IV of this Chapter apply.

B. "Significant" means, for the purposes of a major modification of any stationary source of VOC or oxides of nitrogen, any physical changes or changes in the method of operations that results in net increases in emissions of either pollutant by more than 25 tons when aggregated with all other creditable increases in emissions from the source over the prior five consecutive calendar years, including the calendar year in which the increase is proposed. Emissions decreases shall only be creditable if they are simultaneous with the proposed modification.

C. For any stationary source that emits or has the potential to emit less than 100 tons VOC or oxides of nitrogen per year, a significant increase in VOC or oxides of nitrogen from any discrete emitting unit, operation, or other pollutant emitting activity shall constitute a major modification unless the increase in emissions is offset from other units, operations or activities at the source at a ratio of 1.3 to one for the increase in VOC or oxides of nitrogen emissions from such unit, operation or activity within the facility only. If such a change qualifies as a major modification under this section, BACT shall be substituted for LAER. Net emissions increases in VOC or oxides of nitrogen above the internal offset described herein shall be subject to the offset requirements in subsections E. and F. of this Section.

D. For any stationary source that emits or has the potential to emit 100 tons or more of VOC or oxides of nitrogen per year, any significant increase in VOC or oxides of nitrogen emissions from any discrete emitting unit, operation, or other pollutant emitting activity shall constitute a major modification. If the increase in emissions from such modification is offset from other units, operations or activities at the source at a ratio of 1.3 to one for the increase in VOC or oxides of nitrogen emissions from such unit, operation or activity, BACT shall be substituted for LAER. Net emissions increases in VOC or oxides of nitrogen above the internal offset described herein shall be subject to the offset requirements in subsections E. and F. of this Section.

E. For any new major source or major modification which is classified as such because of emissions or potential to emit VOC or oxides of nitrogen in an ozone nonattainment area classified as serious, the increase in emissions of these pollutants from such source or modification shall be offset at a ratio of 1.2 to one. Such offset shall be made in accordance with the provisions of 17.16.570.

F. For any new major source or major modification which is classified as such because of emissions or potential to emit VOC or oxides of nitrogen in an ozone nonattainment area classified as severe, the increase in emissions of these pollutants from such source or modification shall be offset at a ratio of 1.3 to one. If the SIP requires all existing major sources of these pollutants in the nonattainment area to apply BACT, then the offset ratio shall be 1.2 to one. All such offsets shall be made in accordance with the provisions of 17.16.570. (Ord. 1993-\_\_ § \_\_, 1993)

17.16.590 Permit requirements for sources located in attainment and unclassifiable areas.

A. Except as provided in Subsections B. through G. of this section and 17.16.610, Innovative control technology, no permit or permit revision under this Article shall be issued to a person proposing to construct a new major source or make a major modification to a major source that would be constructed in an area designated as attainment or unclassifiable for any pollutant unless the source or modification meets the following conditions:

1. A new major source shall apply best available control technology (BACT) for each regulated air pollutant not pre-empted by Title III of the Act (General) for which the potential to emit is significant.

2. A major modification shall apply BACT for each regulated air pollutant not pre-empted by Title III of the Act (General) for which the modification would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

3. For phased construction projects, the determination of BACT shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of each independent phase of the project. At such time the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of BACT for the source.

4. BACT shall be determined on a case by case basis and may constitute application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques, for control of such pollutant. In no event shall such application of BACT result in emissions of any pollutant, which would exceed the emissions allowed by any applicable new source performance standard or national emission standard for hazardous air pollutants under Articles VI and IX of this chapter. If the control officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

5. The person applying for the permit or permit revision under this Article performs an air impact analysis and monitoring as specified in 17.16.600 and such analysis demonstrates that allowable emission increases from the proposed new major source or major modification, in conjunction with all other applicable emission increases or reductions, including secondary emissions, for all pollutants listed in Table 17.08.150, and minor and mobile sources for oxides of nitrogen:

a. Would not cause or contribute to an increase in concentrations of any pollutant by an amount in excess of any applicable baseline concentration in Table 17.08.150 for any attainment or unclassified area; or

b. Would not contribute to an increase in ambient concentrations for a pollutant by an amount in excess of the significance level for such pollutant in any area in which Arizona primary or secondary ambient air quality standards for that pollutant are being violated. A new major source of volatile organic compounds or oxides of nitrogen, or a major modification to a major source of volatile organic compounds or oxides of nitrogen shall be presumed to contribute to violations of the Arizona ambient air quality standards for ozone if it will be located within fifty (50) kilometers of a nonattainment area for ozone. The presumption may be rebutted for a new major source or major

modification if it can be satisfactorily demonstrated to the control officer that emissions of volatile organic compounds or oxides of nitrogen from the new major source or major modification will not contribute to violations of the Arizona ambient air quality standards for ozone in adjacent nonattainment areas for ozone. Such a demonstration shall include a showing that topographical, meteorological or other physical factors in the vicinity of the new major source or major modification are such that transport of volatile organic compounds emitted from the source are not expected to contribute to violations of the ozone standards in the adjacent nonattainment areas.

6. Air quality models:

a. All estimates of ambient concentrations required under this Section shall be based on the applicable air quality models, data basis, and other requirements specified in the "Guideline on Air Quality Models (Revised)" (EPA-450/2-78-027R, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, July 1986), and "Supplement B to the Guideline on Air Quality Models" (U.S. Environmental Protection Agency, September 1990). Both documents shall be referred to hereinafter as "Guideline", and are adopted by reference and on file with the Secretary of State and with the Department.

b. Where an air quality impact model specified in the "Guideline" is inappropriate, the model may be modified or another model substituted. Such a change shall be subject to notice and opportunity for public comment. Written approval of the EPA Administrator shall be obtained for any modification or substitution. Methods like those outlined in the "Workbook for the Comparison of Air Quality Models" (U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, May 1978) should be used to determine the comparability of air quality models.

B. The requirements of this Section shall not apply to a new major source or major modification to a source with respect to a particular pollutant if the person applying for the permit or permit revision under this Article demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment for the pollutant.

C. The requirements of this Section shall not apply to a new major source or major modification of a source if such source or modification would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source is not either among the Categorical Sources listed in Chapter 17.04, Article IX or belongs to the category of sources for which New Source Performance Standards under 40 CFR Part 60 or National Emission Standards for Hazardous Air Pollutants under 40 CFR Part 61 promulgated by the Administrator prior to August 7, 1980.

D. The requirements of this section shall not apply to a new major source or major modification to a source when the owner of such source is a nonprofit health or educational institution.

E. The requirements of this Section shall not apply to a portable source which would otherwise be a new major source or major modification to an existing source if such portable source is temporary, is under a permit or permit revision under this Article issued under this Chapter, is in compliance with the conditions of that permit or permit revision under this Article, the emissions from the source will not impact a Class I area nor an area where an applicable increment is known to be violated, and reasonable notice is given to the control officer prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the control officer not less than 10 calendar days in advance of the proposed relocation unless a different time duration is previously approved by the control officer.

F. Special rules applicable to Federal Land Managers:

1. Notwithstanding any other provision of this Section, a Federal Land Manager may present to the control officer a demonstration that the emissions attributed to such new major source or major modification to a source will have significant adverse impact on visibility or other specifically defined air quality related values of any Federal Mandatory area designated in 17.08.100.B, regardless of the fact that the change in air quality resulting from emissions attributable to such new major source or major modification to a source in existence will not cause or contribute to concentrations which exceed the maximum allowable increases for a Class I area specified in Table 17.08.150. If the control officer concurs with such demonstrations, the permit or permit revision under this Article shall be denied.

2. If the owner or operator of a proposed new major source or a source for which major modification is proposed demonstrates to the Federal Land Manager that the emissions attributable to such major source or major modification will have no significant adverse impact on the visibility or other specifically defined air quality related values of such areas and the Federal Land Manager so certifies to the control officer, the control officer may issue a permit or permit revision under this Article notwithstanding the fact that the change in air quality resulting from emissions attributable to such new major source or major modification will cause or contribute to concentrations which exceed the maximum allowable increases for a Class I area. Such a permit or permit revision under this Article shall require that such new major source or major modification comply with such emission limitations as may be necessary to assure that emissions will not cause increases in ambient concentrations greater than the following maximum allowable increases over baseline concentrations for such pollutants:

Maximum Allowable Increases		
Pollutant	Averaging Time	Increase in $\mu\text{g}/\text{m}^3$
TSP	Annual Geometric Mean	19
TSP	24-hour maximum	37
SO <sub>2</sub>	Annual Arithmetic Mean	20
SO <sub>2</sub>	24-hour maximum	91
SO <sub>2</sub>	3-hour maximum	325
NO <sub>2</sub>	Annual Arithmetic Mean	25

G. The issuance of a permit or permit revision under this Article in accordance with this Section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

H. At such time that a particular source or modification becomes a major source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this Section shall apply to the source or modification as though construction had not yet commenced on the source or modification. (Ord. 1993- § , 1993)



17.16.600 Air quality impact analysis and monitoring requirements.

A. Any application for a permit or permit revision under this Article to construct a new major source or major modification to a major source shall contain an analysis of ambient air quality in the area that the new major source or major modification would affect for each of the following pollutants:

1. For the new source, each pollutant that it would have the potential to emit in a significant amount;

2. For the modification, each pollutant for which it would result in a significant net emissions increase.

B. With respect to any such pollutant for which no Arizona ambient air quality standard exists, the analysis shall contain all air quality monitoring data as the control officer determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of the pollutant would affect.

C. With respect to any such pollutant (other than non-methane hydrocarbons) for which such a standard does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.

D. In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at least the year preceding receipt of the application, except that, if the control officer determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one year (but not to be less than four months), the data that is required shall have been gathered over at least that shorter period.

E. For any application which becomes complete, except as to the requirements of Subsection C., prior to February 9, 1982, the data that Subsection C. requires shall have been gathered over at least the period from February 9, 1981, to the date the application becomes otherwise complete, except that:

1. If the new source or modification would have been major for that pollutant under 17.16.590 as in effect on October 2, 1979, any monitoring data shall have been gathered over at least the period required by those regulations.

2. If the control officer determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four months), the data that Subsection C. requires shall have been gathered over that shorter period.

3. If the monitoring data would relate exclusively to ozone and would not have been required under 17.16.590 as in effect on October 2, 1979, the control officer may waive the otherwise applicable requirements of this Subsection to the extent that the applicant shows that the monitoring data would be unrepresentative of air quality over the full year.

F. The owner or operator of a proposed stationary source or modification to a source of volatile organic compounds who satisfies all conditions of 40 CFR 51, Appendix S, Section IV, may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under Subsection B., C., and D. of this section.

G. Post-construction monitoring. The owner or operator of a new major source or major modification shall, after construction of the source or modification, conduct such ambient monitoring as the control officer determines is necessary to determine the effect emissions from the new source or modification may have, or are having, on air quality in any area.



H. Operations of monitoring stations. The owner operator of a new major source or major modification shall meet the requirements of 40 CFR 58, Appendix B, during the operation of monitoring stations for purposes of satisfying Subsections B. through G. of this section.

I. The requirements of Subsections B. through H. of this section shall not apply to a new major source or major modification to an existing source with respect to monitoring for a particular pollutant if:

1. The emissions increase of the pollutant from the new source or the net emissions increase of the pollutant from the modification would cause, in any area, air quality impacts less than the following amounts:

<u>Pollutant</u>	<u>Concentration</u>	<u>Averaging Time</u>
<u>Carbon Monoxide</u>	<u>575 <math>\mu\text{g}/\text{m}^3</math></u>	<u>8 hour average</u>
<u>Nitrogen dioxide</u>	<u>14 <math>\mu\text{g}/\text{m}^3</math></u>	<u>annual average</u>
<u>PM<sub>10</sub></u>	<u>10 <math>\mu\text{g}/\text{m}^3</math></u>	<u>24 hour average</u>
<u>Sulfur dioxide</u>	<u>13 <math>\mu\text{g}/\text{m}^3</math></u>	<u>24 hour average</u>
<u>Lead</u>	<u>0.1 <math>\mu\text{g}/\text{m}^3</math></u>	<u>24 hour average</u>
<u>Fluorides</u>	<u>0.25 <math>\mu\text{g}/\text{m}^3</math></u>	<u>24 hour average</u>
<u>Total reduced sulfur</u>	<u>10 <math>\mu\text{g}/\text{m}^3</math></u>	<u>1 hour average</u>
<u>Hydrogen sulfide</u>	<u>0.04 <math>\mu\text{g}/\text{m}^3</math></u>	<u>1 hour average</u>
<u>Reduced sulfur compounds</u>	<u>10 <math>\mu\text{g}/\text{m}^3</math></u>	<u>1 hour average</u>
<u>Ozone</u>	<u>increased emissions of less than 100 tons per year of volatile organic compounds or oxides of nitrogen;</u>	

or,

2. The concentrations of the pollutant in the area that the new source or modification would affect are less than the concentrations listed in subdivision 1. of this subsection.

J. Any application for permit or permit revision under this Article to construct a new major source or major modification to a source shall contain:

1. An analysis of the impairment to visibility, soils and vegetation that would occur as a result of the new source or modification and general commercial, residential, industrial and other growth associated with the new source or modification. The applicant need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

2. An analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the new source or modification. (Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.16.610 Innovative control technology.

A. Notwithstanding the provisions of 17.16.590.A.1., 17.16.590.A.2., and 17.16.590.A.3. the owner or operator of a proposed new major source or major modification may request that the control officer approve a system of innovative control technology rather than the best available control technology requirements otherwise applicable to the new source or modification.

B. The control officer shall approve the installation of a system of innovative control technology if the following conditions are met:

1. The owner or operator of the proposed source or modification satisfactorily demonstrates that the proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;

2. The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under 17.16.590.A.2. by a date specified in the permit or permit revision for the source. Such date shall not be later than four years from the time of start-up or seven years from permit or permit revision issuance;

3. The source or modification would meet requirements equivalent to those in 17.16.590.A. based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified in the permit or permit revision under this Article.

4. Before the date specified in the permit or permit revision under this Article, the source or modification would not:

a. Cause or contribute to any violation of an applicable State ambient air quality standard; or,

b. Impact any portion of any area where an applicable ambient incremental standard is known to be violated.

5. All other applicable requirements, including those for public participation contained in 17.12.340, have been met.

6. The control officer receives the consent of the governors of other affected states.

7. The provisions of 40 CFR 51.166 (p) relating to Class I areas have been satisfied with respect to all periods during the life of the source or modification.

C. The control officer shall withdraw any approval to employ a system of innovative control technology made under this Section if:

1. The proposed system fails by the specified date to achieve the required continuous emissions reduction rate; or,

2. The proposed system fails before the specified date in so as to contribute to an unreasonable risk to public health, welfare, or safety; or,

3. The control officer decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

D. If the new source or major modification fails to meet the required level of continuous emissions reduction within the specified time period, or if the approval is withdrawn in accordance with Subsection C. of this section, the control officer may allow the owner or operator of the source or modification up to an additional three years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.  
(Ord. 1993-\_\_\_ § \_\_, 1993)

#### 17.16.620 Air quality models.

A. Where the control officer requires a person requesting a permit or permit revision under this Article to perform air quality impact modeling to obtain such permit or permit revision under this Article, the modeling shall be performed in a manner consistent with the "Guideline on Air Quality Models (Revised)".

B. Where the person requesting a permit or permit revision under this Article can demonstrate that an air quality impact model specified in the "Guideline" is inappropriate, the model may be modified or another model substituted. However, before such modification or substitution can occur the control officer shall make a written finding that:

1. No model in the "Guideline" is appropriate for a particular permit or permit revision under this Article under consideration, or,

2. The data base required for the appropriate model in the "Guideline" is not available; and,

3. The model proposed as a substitute or modification is likely to produce results equal or superior to those obtained by models in the "Guideline"; and

4. The model proposed as a substitute or modification has been approved by the Administrator.

C. Use of a modified or substituted model shall be subject to notice and opportunity for public comment pursuant to 17.12.340. (Ord. 1993-\_\_ § \_\_, 1993)

#### 17.16.630 Visibility protection.

A. For any new major source or major modification subject to the provisions of this Chapter, no permit or permit revision under this Article shall be issued to a person proposing to construct or modify the source unless the applicant has provided:

1. An analysis of the anticipated impacts of the proposed source on visibility in any Class I areas which may be affected by the emissions from that source; and

2. Results of monitoring of visibility in any area near the proposed source for such purposes and by such means as the control officer determines are necessary and appropriate.

B. A determination of an adverse impact on visibility shall be made based on consideration of all of the following factors:

1. The times of visitor use of the area.

2. The frequency and timing of natural conditions in the area that reduce visibility.

3. All of the following visibility impairment characteristics:

a. Geographic extent.

b. Intensity.

c. Duration.

d. Frequency.

e. Time of day.

4. The correlation between the characteristics listed in subdivision 3. of this Subsection and the factors described in subdivisions 1. and 2. of this Subsection.

C. The control officer shall not issue a permit or permit revision pursuant to this Article or Article 3 for any new major source or major modification subject to this Chapter unless the following requirements have been met:

1. The control officer shall notify the individuals identified in subdivision 2. of this Subsection within 30 days of receipt of any advance notification of any such permit or permit revision application under this Article.

2. Within 30 days after receipt of the permit or permit revision application under this Article for a source whose emissions may affect a Class I area, the control officer shall provide written notification of the application to the Federal Land Manager and the federal official charged with direct responsibility for management of any lands within any such area. The notice shall:

a. Include a copy of all information relevant to the permit or permit revision application under this Article,

b. Include an analysis of the anticipated impacts of the proposed source on visibility in any area which may be affected by emissions from the source, and

c. Provide for no less than a 30 day period within which written comments may be submitted.

3. The control officer shall consider any analysis provided by the Federal Land Manager that is received within the comment period provided in Subdivision 2. of this Subsection.

a. Where the control officer finds that the analysis provided by the Federal Land Manager does not demonstrate to the satisfaction of the control officer that an adverse impact on visibility will result in the area, the control officer shall, within the public notice required under 17.12.340, either explain the decision or specify where the explanation can be obtained.

b. When the control officer finds that the analysis provided by the Federal Land Manager demonstrates to the satisfaction of the control officer that an adverse impact on visibility will result in the area, the control officer shall not issue a permit or permit revision under this Article for the proposed major new source or major modification.

4. When the proposed permit decision is made, pursuant to 17.12.160.I., and available for public review, the control officer shall provide the individuals identified in subdivision 2 of this subsection with a copy of the proposed permit decision and shall make available to them any materials used in making that determination. (Ord. 1993-\_\_\_ § \_\_, 1993)

17.16.640 Special rule for non-operating sources of sulfur dioxide in sulfur dioxide nonattainment areas.

A. If an emitting unit that is a major source of sulfur dioxide located in a sulfur dioxide nonattainment area has not operated for more than 24 consecutive calendar months, it may only be restarted if the owner or operator of such source submits the following:

1. A demonstration conforming to the air quality impact analysis requirements of 17.16.590.A.5. and 6. that emissions from that unit, including fugitive emissions, will not cause or contribute to a violation of the ambient standard for sulfur dioxide in 17.08.020 and will not cause or contribute to a violation of the maximum allowable PSD increment as specified in Table 17.08.150.

2. A demonstration that startup of that unit will not require reconstruction; and

3. A startup plan that includes a source testing plan.

B. Such demonstration shall be submitted at least 180 days prior to the expected day when the restarting of the non-operating unit will commence. The

control officer may request additional information, as necessary to evaluate the submittals. The unit shall not be restarted unless the control officer approves the submittal.

C. If the control officer disapproves the submittal required in subsection A. of this section, or such submittal, including additional information requested by the control officer, is not tendered in a timely manner, the source shall be required to obtain a permit pursuant to the requirements for a new major source or major modification as contained in this Article.

D. The conduct of performance tests that comply with the requirements of 17.12.050 and demonstrate compliance with emission limits prescribed in a permit for that source or an applicable rule shall constitute operation of an emitting unit for the purposes of this rule. (Ord. 1993-\_\_\_ § \_\_\_, 1993)

#### **Article IX. Emissions of Hazardous Air Pollutants (HAPS)**

##### **17.16.650 Definitions.**

For purposes of this article, the following definitions shall apply:

1. "Area source" means any stationary source of federally listed hazardous air pollutants that is not a major source, but not including motor vehicles or non-road vehicles subject to regulation under Title II of the Act (National Emission Standards Act).

2. "Existing source" means any stationary source other than a new source.

3. "Major source" means a stationary source, or a group of stationary sources that is located within a contiguous area that is under common control, and that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any federal hazardous air pollutant or 25 tons per year or more or 25 tons per year or more of any combination of federal hazardous air pollutants. A lesser quantity, or in the case of radionuclides different criteria, may be established by the Administrator pursuant to Section 112 of the Act (Hazardous Air Pollutants) and adopted by the Director by rule.

4. "Maximum achievable control technology" (MACT) means an emission standard that requires the maximum degree of reduction in emissions of federal hazardous air pollutants, including a prohibition on such emissions where achievable, that the control officer, taking into consideration the cost of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements, determines is achievable by a source to which such standard applies, through application of measures, processes, methods, systems or techniques, including measures which do one or more of the following:

a. Reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications.

b. Enclose systems or processes to eliminate emissions.

c. Collect, capture or treat such pollutants when released from a process, stack, storage or fugitive emissions point.

d. Are design, equipment, work practice, or operational standards, including requirements for operator training or certification.

e. Are a combination of the above.

5. "Modification" or "modify" means a physical change in or change in the method of operation of a major source which increases the actual emissions of any federally listed air pollutant emitted by such source by more than a de minimis

amount, or which results in the emission of any federally listed air pollutant not previously emitted by more than a de minimis amount.

7. "New source" means a stationary source, the construction or reconstruction of which commences after the Administrator first proposes regulations under Section 112 of the Act (Hazardous Air Pollutants) establishing an emission standard applicable to such source.

17.16.660 Federal list of hazardous air pollutants.

A. All of the following are on the federal list of hazardous air pollutants:

<u>CAS No.</u>	<u>Chemical name</u>	<u>CAS No.</u>	<u>Chemical name</u>
<u>75070</u>	<u>Acetaldehyde</u>	<u>132649</u>	<u>Dibenzofurans</u>
<u>60355</u>	<u>Acetamide</u>	<u>96128</u>	<u>1,2-Dibromo-3-chloropropane</u>
<u>75058</u>	<u>Acetonitrile</u>	<u>84742</u>	<u>Dibutylphthalate</u>
<u>98862</u>	<u>Acetophenone</u>	<u>106467</u>	<u>1,4-Dichlorobenzene(p)</u>
<u>53963</u>	<u>2-Acetylaminofluorene</u>	<u>91941</u>	<u>3,3-Dichlorobenzidene</u>
<u>107028</u>	<u>Acrolein</u>	<u>111444</u>	<u>Dichloroethyl ether</u>
<u>79061</u>	<u>Acrylamide</u>		<u>(Bis(2-chloroethyl)ether)</u>
<u>79107</u>	<u>Acrylic acid</u>	<u>542756</u>	<u>1,3-Dichloropropene</u>
<u>107131</u>	<u>Acrylonitrile</u>	<u>62737</u>	<u>Dichlorvos</u>
<u>107051</u>	<u>Allyl chloride</u>	<u>111422</u>	<u>Diethanolamine</u>
<u>92671</u>	<u>4-Aminobiphenyl</u>	<u>121697</u>	<u>N,N-Diethyl aniline</u>
<u>62533</u>	<u>Aniline</u>		<u>(N,N-Dimethylaniline)</u>
<u>90040</u>	<u>o-Anisidine</u>	<u>64675</u>	<u>Diethyl sulfate</u>
<u>1332214</u>	<u>Asbestos</u>	<u>119904</u>	<u>3,3-Dimethoxybenzidine</u>
<u>71432</u>	<u>Benzene (including benzene from gasoline)</u>	<u>60117</u>	<u>Dimethyl aminoazobenzene</u>
		<u>119937</u>	<u>3,3-Dimethyl benzidine</u>
<u>92875</u>	<u>Benzidine</u>	<u>79447</u>	<u>Dimethyl carbamoyl chloride</u>
<u>98077</u>	<u>Benzotrichloride</u>		
<u>100447</u>	<u>Benzyl chloride</u>	<u>68122</u>	<u>Dimethyl formamide</u>
<u>92524</u>	<u>Biphenyl</u>	<u>57147</u>	<u>1,1-Dimethyl hydrazine</u>
<u>117817</u>	<u>Bis(2-ethylhexyl)phthalate (DEHP)</u>	<u>131113</u>	<u>Dimethyl phthalate</u>
		<u>77781</u>	<u>Dimethyl sulfate</u>
<u>542881</u>	<u>Bis(chloromethyl)ether</u>	<u>534521</u>	<u>4,6-Dinitro-o-cresol, and salts</u>
<u>75252</u>	<u>Bromoform</u>		
<u>106990</u>	<u>1,3-Butadiene</u>	<u>51285</u>	<u>2,4-Dinitrophenol</u>
<u>156627</u>	<u>Calcium cyanamide</u>	<u>121142</u>	<u>2,4-Dinitrotoluene</u>
<u>105602</u>	<u>Caprolactam</u>	<u>123911</u>	<u>1,4-Dioxane</u>
<u>133062</u>	<u>Captan</u>		<u>(1,4-Diethyleneoxide)</u>
<u>63252</u>	<u>Carbaryl</u>	<u>122667</u>	<u>1,2-Diphenylhydrazine</u>
<u>75150</u>	<u>Carbon disulfide</u>	<u>106898</u>	<u>Epichlorohydrin</u>
<u>56235</u>	<u>Carbon tetrachloride</u>		<u>(1-Chloro-2,3-epoxypropane)</u>
<u>463581</u>	<u>Carbonyl sulfide</u>		
<u>120809</u>	<u>Catechol</u>	<u>106887</u>	<u>1,2-Epoxybutane</u>
<u>133904</u>	<u>Chloramben</u>	<u>140885</u>	<u>Ethyl acrylate</u>
<u>57749</u>	<u>Chlordane</u>	<u>100414</u>	<u>Ethyl benzene</u>
<u>7782505</u>	<u>Chlorine</u>	<u>51796</u>	<u>Ethyl carbamate (Urethane)</u>
<u>79118</u>	<u>Chloroacetic acid</u>	<u>75003</u>	<u>Ethyl chloride</u>
<u>532274</u>	<u>2-Chloroacetophenone</u>		<u>(Chloroethane)</u>
<u>108907</u>	<u>Chlorobenzene</u>	<u>106934</u>	<u>Ethylene dibromide</u>
<u>510156</u>	<u>Chlorobenzilate</u>		<u>(Dibromoethane)</u>
<u>67663</u>	<u>Chloroform</u>	<u>107062</u>	<u>Ethylene dichloride</u>
<u>107302</u>	<u>Chloromethyl methyl ether</u>		<u>(1,2-Dichloroethane)</u>
<u>126998</u>	<u>Chloroprene</u>	<u>107211</u>	<u>Ethylene glycol</u>
<u>1319773</u>	<u>Cresols/Cresylic acid (isomers and mixture)</u>	<u>151564</u>	<u>Ethylene imine (Aziridine)</u>
		<u>75218</u>	<u>Ethylene oxide</u>
<u>95487</u>	<u>o-Cresol</u>	<u>96457</u>	<u>Ethylene thiourea</u>
<u>108394</u>	<u>m-Cresol</u>	<u>75343</u>	<u>Ethylidene dichloride</u>
<u>106445</u>	<u>p-Cresol</u>		<u>(1,1-Dichloroethane)</u>
<u>98828</u>	<u>Cumene</u>	<u>50000</u>	<u>Formaldehyde</u>
<u>94757</u>	<u>2,4-D, salts and esters</u>	<u>76448</u>	<u>Heptachlor</u>
<u>3547044</u>	<u>DDE</u>	<u>118741</u>	<u>Hexachlorobenzene</u>
<u>334883</u>	<u>Diazomethane</u>		

<u>CAS No.</u>	<u>Chemical name</u>	<u>CAS No.</u>	<u>Chemical name</u>
87683	Hexachlorobutadiene	123386	Propionaldehyde
77474	Hexachlorocyclopentadiene	114261	Propoxur (Baygon)
67721	Hexachloroethane	78875	Propylene dichloride (1,2-Dichloropropane)
822060	Hexamethylene-1,6-diisocyanate	75569	Propylene oxide
680319	Hexamethylphosphoramide	75558	1,2-Propylenimine (2-Methyl aziridine)
110543	Hexane	91225	Quinoline
302012	Hydrazine	106514	Quinone
7647010	Hydrochloric acid	100425	Styrene
7664393	Hydrogen fluoride (Hydrofluoric acid)	96093	Styrene oxide
7783064	Hydrogen sulfide	1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
123319	Hydroquinone	79345	1,1,2,2-Tetrachloroethane
78591	Isophorone	127184	Tetrachloroethylene (Perchloroethylene)
58899	Lindane (all isomers)	7550450	Titanium tetrachloride
108316	Maleic anhydride	108883	Toluene
67561	Methanol	95807	2,4-Toluene diamine
72435	Methoxychlor	584849	2,4-Toluene diisocyanate
74839	Methyl bromide (Bromomethane)	95534	o-Toluidine
74873	Methyl chloride (Chloromethane)	8001352	Toxaphene (chlorinated camphene)
71556	Methyl chloroform (1,1,1-Trichloroethane)	120821	1,2,4-Trichlorobenzene
78933	Methyl ethyl ketone (2-Butanone)	79005	1,1,2-Trichloroethane
60344	Methyl hydrazine	79016	Trichloroethylene
74884	Methyl iodide (Iodomethane)	95954	2,4,5-Trichlorophenol
108101	Methyl isobutyl ketone (Hexone)	88062	2,4,6-Trichlorophenol
624839	Methyl isocyanate	121448	Triethylamine
80626	Methyl methacrylate	1582098	Trifluralin
1634044	Methyl tert butyl ether	540841	2,2,4-Trimethylpentane
101144	4,4-Methylene bis(2-chloroaniline)	108054	Vinyl acetate
75092	Methylene chloride (Dichloromethane)	593602	Vinyl bromide
101688	Methylene diphenyl diisocyanate (MDI)	75014	Vinyl chloride
101779	4,4-Methylenedianiline	75354	Vinylidene chloride (1,1-Dichloroethylene)
91203	Naphthalene	1330207	Xylenes (isomers and mixture)
98953	Nitrobenzene	95476	o-Xylenes
92933	4-Nitrobiphenyl	108383	m-Xylenes
100027	4-Nitrophenol	106423	p-Xylenes
79469	2-Nitropropane	0	Antimony Compounds
684935	N-Nitroso-N-methylurea	0	Arsenic Compounds (inorganic including arsine)
62759	N-Nitrosodimethylamine	0	Beryllium Compounds
59892	N-Nitrosomorpholine	0	Cadmium Compounds
56382	Parathion	0	Chromium Compounds
82688	Pentachloronitrobenzene (Quintobenzene)	0	Cobalt Compounds
87865	Pentachlorophenol	0	Coke Oven Emissions
108952	Phenol	0	Cyanide Compounds [1]
106503	p-Phenylenediamine	0	Glycol ethers [2]
75445	Phosgene	0	Lead Compounds
7803512	Phosphine	0	Manganese Compounds
7723140	Phosphorus	0	Mercury Compounds
85449	Phthalic anhydride	0	Fine mineral fibers [3]
1336363	Polychlorinated biphenyls (Aroclors)	0	Nickel Compounds
1120714	1,3-Propane sultone	0	Polycyclic Organic Matter [4]
57578	beta-Propiolactone	0	Radionuclides (including radon) [5]
		0	Selenium Compounds

- [1] X'CN where X = H' or any other group where a formal dissociation may occur [e.g. KCN or Ca(CN)<sub>2</sub>].
- [2] Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OR' where n = 1, 2, or 3 R = alkyl or aryl groups R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OH. Polymers are excluded from the glycol category.
- [3] Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.
- [4] Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.
- [5] A type of atom which spontaneously undergoes radioactive decay.

B. For all listings above which contain the word "compounds" and for glycol ethers, unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

#### 17.16.670 Standards of performance for hazardous air pollutants.

The federal standards of performance for hazardous air pollutants, National Emission Standards for Hazardous Air Pollutants (NESHAP), are listed in section 17.16.530.

#### 17.16.680 Control of federal hazardous air pollutants.

A. A person shall not obtain a permit or permit revision to modify an existing major source of federal hazardous air pollutants, or to construct a new major source of federal hazardous air pollutants, unless the control officer determines that the person will install the maximum achievable control technology (MACT) for the modification or new major source. A physical change to a source or change in the method of operation of a source is not a modification if the change complies with requirements of section 112 (g) (1) of the Act (Hazardous Air Pollutants), which is incorporated by reference.

B. Until the Administrator promulgates, and the control officer adopts, emissions standards establishing MACT for a source category, or subcategory that includes a source subject to subsection A of this Section, the control officer shall determine MACT for the modification or new major source on a case-by-case basis. If the control officer determines that it is not feasible to prescribe or enforce a numerical emission limitation, a MACT standard imposed pursuant to this subsection may consist of a design, equipment, work practice or operational standard, or a combination of these.

C. If the Administrator fails to adopt a standard for a source category or subcategory within eighteen (18) months after the deadline established for that category or subcategory pursuant to Section 112(e)(1) and (3) of the Act (Hazardous Air Pollutants), the owner or operator of an existing major source in that category or subcategory shall be required to submit a permit application for such source, and the control officer shall be required to issue a permit or permit revision establishing MACT for the source on a case-by-case basis, or an alternative emission limitation pursuant to Section 17.16.700 or section 112 (h) (3) of the Act (Hazardous Air Pollutants). If the control officer determines that it is not feasible to prescribe or enforce a numerical emission limitation, a MACT standard imposed pursuant to this subsection may consist of a design, equipment, work practice or operational standard, or a combination of these.

D. When the Administrator adopts and makes effective standards pursuant to Section 112(d) or 112(f) of the Act (Hazardous Air Pollutants), the control officer shall adopt those standards as prescribed by the Administrator.



E. Where the Act has established provisions, including specific schedules, for the regulation of source categories pursuant to Section 112(e)(5) and 112(n) of the Act (Hazardous Air Pollutants), those provisions and schedules shall be adopted by the control officer.

F. For any category or subcategory of facilities licensed by the U. S. Nuclear Regulatory Commission, the control officer shall not adopt or enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the Administrator pursuant to Section 112 of the Act (Hazardous Air Pollutants).

G. When the Administrator makes one of the following findings pursuant to Section 112(n)(1)(a) of the Act (Hazardous Air Pollutants), the finding is effective for purposes of the State's administration and enforcement of the Federal hazardous air pollutant program in the same manner as prescribed by the Administrator, upon adoption by the Director of the following by rule:

1. A finding that regulation is not appropriate or necessary.
2. A finding that alternative control strategies should be applied.

#### 17.16.690 Case-by-case MACT determinations.

A. The applicant shall, as part of any permit or permit revision application required by 17.16.680 B. or C., where MACT must be determined on a case-by-case basis, provide appropriate documentation to demonstrate that the new source or major modification will apply MACT. This demonstration shall include the following elements:

1. Survey of similar emission sources and the associated emission limitations currently achieved in practice in the United States.

2. A demonstration of the average emission limitation achieved by the best performing 12% of the existing sources in a category or subcategory with 30 or more sources; or the average emission limitation achieved by the best performing 5 sources in a category or subcategory with fewer than 30 sources.

B. In no case shall the selected control approach be less stringent than a corresponding Federal New Source Performance Standard (NSPS) or National Emission Standard for Hazardous Air Pollutants (NESHAP), if any has been promulgated.

#### 17.16.700 Alternative Emission limitations.

40 CFR 63 Subpart D, "Regulations governing compliance extensions for early reductions of hazardous air pollutants" (57 FR 61992, Dec. 29, 1992), is adopted by reference.

### Article X. Ozone depleting substances.

#### 17.16.710 Sale and use of refrigerant substitutes.

No person shall use, sell, or offer for sale any fluid as a substitute material for use in any motor vehicle, residential, commercial, or industrial air conditioning system, refrigerator or freezer unit, or other cooling or heating device designed to use a chlorofluorocarbon (CFC) or hydrochlorofluorocarbon (HCFC) compound as a working fluid, unless such fluid has been approved for sale and such use by the Administrator. (Ord. 1993-\_\_\_ § \_\_\_, 1993)

**Table ~~17.12.110~~ 17.16.040**  
**EMISSIONS-DISCHARGE OPACITY LIMITING STANDARDS**

Type of Source	Instantaneous Opacity Measurements			Maximum Allowable Average Opacity, %
	Required No. (For a Set)	Excluded No. (Highest Values)	No. to Use For Averaging	
Asbestos-Containing Op. <sup>1</sup>	25	0	25	0
Cold Diesel Engines <sup>2</sup>	25	0	25	60
Loaded Diesel Engines <sup>3</sup>	26	1	25	60
Incinerators	27	2	25	20
Portland Cement Plants <sup>4</sup>	25	0	25	20
Non-Categorical Other Sources <sup>5</sup>	25	0	25	40

<sup>1</sup> An asbestos mill, manufacturing or fabrication operation which uses asbestos as a raw material, or spraying operation which sprays materials containing more than 1% asbestos by weight.

<sup>2</sup> Applicable to the first 10 consecutive minutes after starting up a diesel engine.

<sup>3</sup> Applicable to a diesel engine being accelerated under load.

<sup>4</sup> Applicable to kiln, clinker cooler, and other process equipment.

<sup>5</sup> Any source not otherwise specifically covered within this table.

(Ord. 1993-\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

Section 5. That chapter 17.20 of the Pima County code is amended to read as follows:

CHAPTER 17.20 EMISSION SOURCE TESTING AND MONITORING.

Sections:

Article I. General Provisions.  
17.20.010 Source Sampling, Monitoring, and Testing.  
17.20.020 Notification - Fees.  
17.20.030 Waiver of test requirements.

Article II. Circumvention.  
17.20.040 Concealment of Emissions.

Article III. Inspections.  
17.20.050 Compliance inspections.

Article IV. Periodic Testing.  
17.20.060 Applicability of methodology.  
17.20.070 Testing frequencies.  
17.20.080 Sampling and testing facilities.  
17.20.090 Stack sampling.

Article V. Continuous Monitoring.  
17.20.100 General specifications.

Article I. General Provisions.

~~17.20.095~~ 17.20.010 Source Sampling, Monitoring, and Testing.

A. The control officer may require, by permit or order, any source of air contaminants to monitor, sample, or perform other studies to quantify emissions of air contaminants or levels of air pollution that may reasonably be attributable to that source if the control officer makes the written determinations required by either subsection B or subsection C of this section and if the control officer either:

1. Determines that monitoring, sampling, or other studies are necessary to determine the effects of the facility on levels of air pollution.

2. Has reasonable cause to believe a violation of this Code Title or a permit issued pursuant to this Code Title has been committed.

3. Determines that those studies or data are necessary to accomplish the purposes of this Code Title, and that the monitoring, sampling, or other studies by the source are necessary in order to assess the impact of the source on the emissions of air contaminants.

B. The control officer shall, by permit or order, require sources of air contaminants for which ambient air quality standards or emission standards or design, equipment, work practice or operational standards have been adopted pursuant to A.R.S. ~~Section 49-424~~ ~~subsection A~~ or A.R.S. ~~Section 49-425~~, subsection A to monitor, sample, or otherwise quantify their emissions or air pollution which may reasonably be attributed to sources of such air contaminants if the control officer determines in writing that all of the following conditions are met:

1. The actual or potential emissions of air pollution may adversely affect public health or the environment, and,

2. An adequate scientific basis for the monitoring, sampling, or quantification method exists, and,

3. The monitoring, sampling, or quantification method is technically feasible for the subject contaminant and source, and,

4. The monitoring, sampling, or quantification method is reasonably accurate, and,

5. The cost of the method is reasonable in light of the use to be made of the data.

C. The control officer may, by permit or order, require sources of air contaminants not described by subsection B of this section to perform monitoring, sampling or other quantification of its emissions or air pollution that may reasonably be attributed to such source if the control officer determines in writing that all of the following conditions are met:

1. The actual or potential emissions of air pollution may adversely affect public health or the environment, and,

2. An adequate scientific basis for the monitoring, sampling, or quantification method exists, and,

3. The monitoring, sampling, or quantification method is technically feasible for the subject contaminant and source, and,

4. The monitoring, sampling, or quantification method is reasonably accurate, and,

5. The cost of the method is reasonable in light of the use to be made of the data.

D. Before requiring such monitoring, sampling, or other quantification by permit or order, the control officer shall consider the relative cost and accuracy of any alternatives which may be reasonable under the circumstances such as emission factors, modeling, mass balance analyses, or emissions projections.

E. Orders issued or permit conditions imposed pursuant to this section shall be appealable to the hearing board in the same manner as that prescribed for orders of abatement and permit conditions. (Ord. 1993-\_\_\_ \$ \_\_, 1993; Ord. 1991-136 § 16, 1991)

~~17.20.030~~ 17.20.020 Notification - Fees.

A. In any case requiring mass-emissions discharge or ambient-air testing other than opacity measurements, the control officer shall give a source operator at least a thirty-day written notice of a requirement for a mass-emissions discharge or ambient-air test, other than an opacity test.

B. If the control officer ~~himself~~ performs the necessary tests, any expenses he incurs in collecting samples, making the analyses, and preparing the necessary reports shall be charged to the source operator, in addition to permit fees assessed according to this Code Title.

~~1. C.~~ The source operator shall pay the testing fee within thirty days of invoicing. (Ord. 1993-\_\_\_ \$ \_\_, 1993; Ord. 1979-93 (part), 1979)

~~17.20.070~~ 17.20.030 Waiver of test requirements.

A. If a source operator is required to operate continuous monitoring equipment for one or more air pollutants, periodic testing for the monitored pollutants is not required, provided the source operator operates and maintains the continuous monitoring equipment in conformity with applicable requirements. (Ord. 1979-93 (part), 1979)

## Article II. ~~Circumvention~~ Concealment of emissions.

~~17.20.110 Evasion of basic requirements.~~ 17.20.040 Concealment of emissions.

~~A. No provision, rule, or regulation herein shall authorize any practice or combination of practices designed to circumvent the requirements of the Code. An intent, design, or act to circumvent the requirements of this Code shall be a violation of this Code. (Ord. 1979-93 (part), 1979)~~

No person shall construct, install, erect, use, replace, modify, or operate an emission source so as to conceal an emission which would otherwise be a violation of a control standard established herein. Concealment shall include:

1. The use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere;

2. Operating in a piecemeal fashion to avoid compliance with a standard that would otherwise apply to the source on the basis of its size; and

3. Operating in a manner, under conditions, or during such times that emissions cannot be observed. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

## Article III. Inspections.

~~17.08.300~~ 17.20.050 Compliance inspections.

A. The control officer shall make such inspections as are necessary to assure compliance with or enforcement of this Code Title, any provision of the Arizona Revised Statutes, Title 49, Chapter 3, Article 3, or the provisions of any permit issued pursuant to this Code Title or statutes. Notwithstanding the above provision, inspections shall be conducted at least annually at permitted sources.

B. The control officer shall make such inspections as are necessary for issuance or reissuance of any ~~installation, operating, activity, conditional or open burning~~ permit authorized or allowed by this ~~Code Title~~ or the Arizona Revised Statutes, Title 49, Chapter 3, Article 3.

C. The control officer may obtain a special inspection warrant pursuant to the provisions of A.R.S. ~~Section~~ 49-488. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1989-165 § 17 (part), 1989; Ord. 1983-196 (part), 1983; Ord. 1981-12 (part), 1981)

## Article IV. Periodic Testing.

~~17.20.010~~ 17.20.060 Applicability of methodology.

A. The methods used to measure, test, analyze, and evaluate a quantity or quality associated with a performance standard shall be consistent with, ~~or~~ reasonably and equivalent to EPA test methods.

B. This section shall apply to the determination, measurement, and evaluation of ambient air quality, emissions opacities, mass concentrations of emissions,

dispersion modeling of air quality, mass-emissions discharge rates, and heat contents of fuels.

C. If measurement of emissions or ambient-air quality is required and an applicable test method is not specified herein, the control officer must approve an appropriate method in advance of the test in order for the results of the test to be acceptable.

D. When the control officer determines that compliance with quantitative mass-emissions limitations may be demonstrated more practically by long-term process usage rates and material-balance methods, the analyses shall be made on an average weight per unit-time basis or other basis specified by the control officer.

E. If more than one emissions limit is specified for a given pollutant for the source, the material-balance or other average-emissions-rate analysis must demonstrate compliance with the limitation yielding the lowest emissions.

(Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1983-196 (part), 1983; Ord. 1979-93 (part), 1979)

~~17.20.020~~ 17.20.070 Testing frequencies.

A. Prior to issuing or renewing an operating permit, or when the control officer has reasonable cause to believe that ~~a~~ any permit condition, mass limiting emissions-discharge standard or any ambient air standard is being violated, measurement of the quantity of regulated air pollutant being emitted from the source or in the ambient air in the vicinity of the source may be required.

~~1.~~ B. The control officer may have the necessary tests performed by qualified personnel under his direction, or the source operator may opt (with the approval of the control officer) to perform the tests and submit to the control officer a report of the tests within fifteen thirty days of completion of the time period approved for sampling.

~~2. The control officer shall not require more than one complete series of mass emissions discharge or ambient air tests for a particular source in a twelve-month period unless the source has been convicted of one or more violations of this Code in the preceding year, or unless the control officer has reasonable cause to believe that this Code is being violated.~~ (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

~~17.20.050~~ 17.20.080 Sampling and testing facilities.

A. The control officer may require the source operator to provide and maintain ~~at his expense~~ sampling and testing facilities. When requested in writing by the control officer, a source operator shall provide and maintain performance testing facilities and conditions as follows:

1. Sampling ports adequate for the applicable test method, including (if necessary) extensions of stacks needed for obtaining representative samples;
2. Sampling platforms and access thereto sufficient to assure sampling operator safety and the acquisition of representative samples;
3. Electrical power adequate to perform a test in accordance with the applicable method; and
4. Operation of the source during testing so that representative samples can be obtained.

~~a-~~ B. If source operating conditions must be adjusted during a test, the control officer shall notify the source operator in writing at least ten days prior to the test. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

~~17.20.060~~ 17.20.090 Stack sampling.

A. Each mass-emissions discharge test for determining compliance with a standard shall consist of at least three runs (or an alternate number specified by the control officer) using the applicable test method as specified by EPA.

~~1-~~ B. The arithmetic mean of the results of the three runs shall apply.

~~2-~~ C. If a sample is accidentally lost or if one of the three runs must be discontinued due to forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions, or other circumstances beyond the control of the source operator, the control officer may approve the use of the remaining test runs. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1983-196 (part), 1983; Ord. 1979-93 (part), 1979)

Article V. Continuous Monitoring.

~~17.20.080~~ General requirements.

~~A. A source operator shall procure, install, calibrate, operate and maintain at his expense equipment necessary for continuously measuring and recording the effluent rate of an air pollutant, an emissions related process variable, or the concentration of a pollutant in the vicinity of a source when required as a condition of a section herein.~~

~~B. An operator of an existing source or new major source must equip and maintain a system on each emissions port for continuously measuring and recording the opacity of emissions, if one of the following conditions occurs:~~

~~1. If stipulated by the control officer as a requirement of a conditional order (variance); or~~

~~2. If the source has been cited and successfully prosecuted for six or more violations of opacity standards which occurred during a consecutive twelve-month period and the control officer notifies the source operator in writing of the requirement. The control officer shall allow the source operator a reasonable amount of time to procure, install, and begin operating the continuous monitoring equipment. (Ord. 1979-93 (part), 1979)~~

~~17.20.090~~ In-stack monitoring.

~~A. This section applies to existing major sources as well as new major sources.~~

~~B. A fossil fuel-fired steam-generating plant requires continuous in-stack monitors of the following types:~~

~~1. Sulfur dioxide monitor, if the source contains sulfur dioxide pollutant control equipment; plus~~

~~2. Nitrogen oxide monitor, if the ambient air standard for nitrogen dioxide is exceeded anywhere in the county as determined by the control officer; plus~~

~~3. Percent oxygen or percent carbon dioxide monitor, if either the amount of O<sub>2</sub> or CO<sub>2</sub> is used to convert the output of a sulfur dioxide or nitrogen oxide monitor to emission rate; plus~~

~~4. Opacity monitor, unless gaseous fuel is the only fuel burned, or oil or a mixture of gas and oil are the only fuels burned, or unless the source is able to comply with all opacity standards and mass emissions standards for total suspended particulate matter, and has never been convicted of a violation of an opacity standard or mass emissions standard for total suspended particulate matter.~~

~~C. A nitric acid plant requires a continuous in-stack nitrogen oxide monitor if the ambient air standard for nitrogen dioxide is exceeded anywhere in the county as determined by the control officer.~~

~~D. A sulfuric acid plant requires a continuous in-stack sulfur dioxide monitor.~~

~~E. A petroleum refinery requires a continuous in-stack opacity monitor if the source contains a fluid bed catalytic cracking unit. (Ord. 1979-93 (part), 1979)~~

~~17.36.020~~ 17.20.100 General specifications.

A. A source operator who is required to install and operate continuous monitoring equipment (Article ~~II~~ I of Chapter 17.20) shall comply with the performance specifications established in this article and Article ~~VII~~ VI of Chapter ~~17.12~~ 17.16.

B. Calibration Gases.

1. For nitrogen oxides monitoring systems installed on fossil fuel-fired steam generators, the pollutant gas used to prepare calibration gas mixtures (Section 2.1, Performance Specification 2) shall be nitric oxide (NO). For nitrogen oxides monitoring systems installed on nitric acid plants, the pollutant gas used to prepare calibration gas mixtures (Section 2.1, Performance Specification 2) shall be nitrogen dioxide (NO<sub>2</sub>). These gases shall also be used for daily checks under paragraph 3.7 of the Arizona Testing Manual as applicable.

2. For sulfur dioxide monitoring systems installed on fossil fuel-fired steam generators or sulfuric acid plants, the pollutant gas used to prepare calibration gas mixtures (Section 2.1, Performance Specification 2) shall be sulfur dioxide (SO<sub>2</sub>). Span and zero gases should be traceable to National Bureau of Standards reference gases whenever these reference gases are available. Every six months from date of manufacture, span and zero gases shall be reanalyzed by conducting triplicate analyses using the reference methods as follows:

- a. For sulfur dioxide, use EPA Reference Method 6;
- b. For nitrogen oxides, use EPA Reference Method 7; and
- c. For carbon dioxide or oxygen, use EPA Reference Method 3.

The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.

C. Cycling Times. Cycling times include the total time a monitoring system requires to sample, analyze, and record an emission measurement.

1. Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive ten-second period.

2. Continuous monitoring systems for measuring oxides of nitrogen, carbon dioxide, oxygen, or sulfur dioxide shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive fifteen-minute period.



D. Monitor Location. The control officer shall specify conditions such that each continuous monitoring system or monitoring device is installed in such a manner that representative measurements of emissions or process parameters (i.e., oxygen, or carbon dioxide) from the affected facility are obtained. Additional guidance for location of continuous monitoring systems to obtain representative samples are contained in the applicable Performance Specifications.

E. Combined Effluents. When the effluents from two or more affected facilities of similar design and operating characteristics are combined before being released to the atmosphere, the same monitoring system may be installed on the combined effluent. When the affected facilities are not of similar design and operating characteristics, or when the effluent from one affected facility is released to the atmosphere through more than one point, the control officer shall specify alternate procedures to implement the intent of these requirements.

F. Zero and Drift. Any owner, lessee, or operator of any continuous monitoring system shall record the zero and span drift in accordance with the method prescribed by the manufacturer of such instruments; shall subject the instrument(s) to the manufacturer's recommended zero and span check at least once daily unless the manufacturer has recommended adjustments at shorter intervals, in which case such recommendations shall be followed; to adjust the zero and span whenever the twenty-four-hour zero drift or twenty-four-hour calibration drift exceeds the limits of the applicable performance specifications herein are exceeded; and shall adjust continuous monitoring systems whenever the twenty-four-hour zero drift or twenty-four-hour calibration drift exceeds ten percent of the emission standard.

G. Span. Instrument span ~~should~~ shall be approximately two hundred percent of the expected instrument data display output corresponding to the emission standard for the source.

H. Alternative procedures and Requirements. In cases where source operators wish to utilize different, but equivalent, procedures and requirements for continuous monitoring systems, the operator ~~must~~ shall provide a description of such alternative procedures for approval by the control officer. Some examples of situations that may require alternatives follow:

1. Alternative monitoring requirements to accommodate continuous monitoring systems that require corrections for stack moisture conditions (e.g., an instrument measuring steam generator SO<sub>2</sub> emissions on a wet basis could be used with an instrument measuring oxygen concentration on a dry basis if acceptable methods of measuring stack moisture conditions are used to allow accurate adjustment of the measured SO<sub>2</sub> concentration to dry basis);

2. Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternative locations will enable accurate and representative measurements;

3. Alternative procedures for performing calibration checks (e.g., some instruments may demonstrate superior drift characteristics that require checking at less frequent intervals);

4. Alternative monitoring requirements when the effluent from one affected facility or the combined effluent from two or more identical affected facilities is released to the atmosphere through more than one point (e.g., an extractive, gaseous monitoring system used at several points may be approved if the procedures recommended are suitable for generating accurate emission averages);

5. Alternative continuous monitoring systems that do not meet the special response requirements in Performance Specification 1, but adequately demonstrate a definite and consistent relationship between their measurements and the opacity measurements of a system complying with requirements in Performance Specification 1. Such demonstration must be performed for each affected

facility. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1985-126 (part), 1985; Ord. 1979-93 (part), 1979)

Section 6. That chapter 17.24 of the Pima County Code is amended to read as follows:

#### CHAPTER 17.24 EMISSION SOURCE RECORDKEEPING AND REPORTING

##### Sections:

##### Article I. Availability of Information.

17.24.010 Confidentiality of trade secrets, sales data, and proprietary information.

##### Article II. Recordkeeping Requirements.

17.24.020 Recordkeeping for compliance determinations.  
17.24.030 Recordkeeping for emission inventories.

##### Article III. Reporting Requirements.

17.24.040 Reporting for compliance evaluations.  
17.24.050 Reporting as a permit requirement.  
17.24.060 Reporting for emission inventories.

##### Article IV. Penalty for Noncompliance.

17.24.070 Suppression--False information.

##### Article I. Availability of Information.

~~17.24.070~~ 17.24.010 Confidentiality of trade secrets, sales data, and proprietary information.

~~A. Information provided to or otherwise obtained by the control officer shall be available to the public except that if a source operator can show to the control officer's satisfaction that public disclosure of such information would divulge production or sales statistics, or proprietary information related to the unique nature of a process or product, and would thereby tend to adversely affect his competitive position, then this information shall be only for the confidential use of the control officer and/or his supervisors in administering this Code. However, this section shall not be construed as prohibiting the control officer from publishing quantitative or qualitative emission statistics.~~

A. Any records, reports or information obtained from any person under this chapter, including records, reports or information obtained or prepared by the control officer or a county employee, shall be available to the public, except that the information or any part of the information shall be considered confidential on either of the following:

1. A showing, satisfactory to the control officer, by any person that the information or a part of the information if made public would divulge the trade secrets of the person.

2. A determination by the county attorney that disclosure of the information or a particular part of the information would be detrimental to an ongoing criminal investigation or to an ongoing or contemplated civil enforcement action under this chapter in superior court.

B. Notwithstanding subsection C of this section, the following information shall be available to the public:

1. The name and address of any permit applicant or permittee.
  2. The chemical constituents, concentrations and amounts of any emission of any air contaminant.
  3. The existence or level of a concentration of an air pollutant in the environment.
- C. A claim of confidentiality shall not excuse a person from providing any and all information specifically required by the title.
- D. A claim of confidentiality shall not be a defense for failure to provide any and all information required by the control officer. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

## Article II. Recordkeeping Requirements.

### ~~17.24.010~~ 17.24.020 Recordkeeping for compliance determinations.

A. The operator of a source of air pollution shall periodically collect, record, and maintain sufficient information on his emissions operation or activity to assure that the compliance status of the operation or activity with this Code Title can be readily ascertained at any time. The information shall be retained for at least ~~two~~ five years.

~~1-~~ B. Data which may be needed for compliance determinations on continuous-flow processes or operations include the chemical composition and rates of raw material feedstocks, products, waste products, and emissions; hours of operation; emissions-control device variables such as differential pressures, temperature, and/or electrical power supplied or energy consumed; narrative descriptions of abnormal startup conditions, process upsets, and malfunctions; and prevailing meteorological conditions.

~~2-~~ C. Data which may be needed for compliance determinations on batch-operated processes include chemical composition, quantity, time and duration of each charge of raw material feedstocks, types of product and/or waste product, and each burst or continuous flow of emissions; hours of operation, emissions-control device variables such as differential pressures, temperatures, and/or electrical power supplied or energy consumed; narrative description of abnormal process condition, process upsets, and malfunctions; and prevailing meteorological conditions.

~~3-~~ D. A source operator subject to continuous emissions monitoring requirements or continuous process-variables monitoring requirements (Chapter 17.20) shall collect, evaluate, and record data regarding performance testing of the systems, calibration checks, adjustments and maintenance of the systems, and any other information necessary to demonstrate and maintain the accuracy of the system as required by the control officer. The control officer shall be guided by the requirements for reporting and recordkeeping published in the applicable portions of the Code of Federal Regulations. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1981-12 (part), 1981; Ord. 1979-93 (part), 1979)

### ~~17.24.020~~ 17.24.030 Recordkeeping for emission inventories.

A. In order that the control officer may accurately estimate emissions from a specific source or compile a total inventory of emissions in Pima County, the source operator ~~subject to any permit provisions~~ may be required to collect certain information which will allow the control officer to estimate the types, quantities, and frequencies of emissions.

B. Such data ~~may~~ shall include, but not be limited to, the following:

1. Source location, type, and frequency of operation;

2. Design capacity and normal or average operating rates, including process feedstocks, products, and by-products or waste products; and

3. Sizes of individual equipment and/or rated capacities, e.g., fuel burning equipment in Btu. per hour, capacities of storage vessels in gallons, and electrical energy equipment in horsepower. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

### Article III. Reporting Requirements

#### ~~17.24.030~~ 17.24.040 Reporting for compliance evaluations.

~~A.~~ When the control officer has reasonable cause to believe that a person is emitting or capable of emitting an air contaminant to the air or is violating a provision of the ~~Code Title~~, a permit condition, or a requirement of ~~an operating or~~ a conditional order issued according to this ~~Code Title~~, he may require in writing that such person produce all existing books, records, or other documents which might reasonably contain evidence needed to determine compliance or noncompliance with this ~~Code Title~~. Such information shall be supplied to the control officer promptly upon request or in accordance with other conditions stated herein. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1987-175 § 24, 1987; Ord. 1979-93 (part), 1979)

#### ~~17.24.040~~ 17.24.050 Reporting as a permit requirement.

~~A.~~ As established in other sections herein, the control officer may require special reporting provisions as a condition of permit. Such reporting requirements shall be fulfilled by the permittee according to the written conditions of the permit. (Ord. 1979-93 (part), 1979)

#### ~~17.24.050~~ 17.24.060 Reporting for emission inventories.

A. When the control officer has need for emission data (areawide or source-specific) to compile emission inventories or control to design plans, he shall notify source operators of interest in writing, stating with specificity the type of information needed.

~~1. B.~~ A source operator receiving such a request shall furnish the information to the control officer in writing, within forty-five days of receipt of the request, or shall ask for additional time to obtain the information. The length of an extension shall be commensurate with the magnitude of the task of gathering the required information. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

#### ~~17.24.060~~ Reporting for TSP emission data bank.

~~A.~~ The source operator of a planned new major source of total suspended particulate matter shall report to the control officer its planned maximum actual emission rates at the time of application for an installation permit as required herein.

~~1.~~ Upon request, the control officer shall assist a permit applicant in estimating his planned emission rates in order to satisfy this requirement.

~~B.~~ The owner, operator, or lessee of any of the following projects in the Tucson air planning area shall submit information needed to estimate the increase or decrease in emissions of total suspended particulate matter resulting from the project on a form provided by the control officer, no later than one month from the date of completion of such project.

- ~~1. Curbing or paving of a paved road longer than one hundred feet, or curbing or paving of road shoulders at an intersection;~~
  - ~~2. Paving of an unpaved road longer than one hundred feet except private driveways;~~
  - ~~3. Vegetative or other permanent dust stabilization of any mine tailings pile larger than one half acre, or creation of any new tailings pile or increase in surface area of an existing tailings pile of one half acre or more;~~
  - ~~4. Paving of an unpaved parking lot having space for at least five cars;~~
- and
- ~~5. Construction of a new road longer than one hundred feet except private driveways. (Ord. 1979-93 (part), 1979)~~

#### Article IV. Penalty for Noncompliance

~~17.24.080~~ 17.24.070 Suppression--False information.

~~A. Any person who fails to respond to a request for information, or who knowingly reports false information, is subject to the same penalty as a violator of any other provision of this Code prosecution under A.R.S. 13-2407 and the provisions of Chapter 17.28. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993; Ord. 1979-93 (part), 1979)~~

Section 7. That chapter 17.28 of the Pima County Code is amended to read as follows:

#### Chapter 17.28 Violations and Conditional Orders

##### Sections:

##### Article I. Violations.

- 17.28.010 Violations and order of abatement.
- 17.28.020 Production of Records.
- 17.28.030 Injunctive relief.
- 17.28.040 Precedence of actions.
- 17.28.050 Preservation of rights.
- 17.28.060 Reviews for startup, shutdown, or malfunctions.
- 17.28.070 Civil penalties.
- 17.28.080 Criminal penalties.
- 17.28.090 Hearings on orders of abatement.

##### Article II. Conditional Orders.

- 17.28.100 Conditional orders.

##### Article III. Circumvention.

- 17.28.110 Evasion of basic requirements.
- 17.28.120 Concealment of emissions.

##### Article I. Violations.

- 17.28.010 ~~Criminal complaint or~~ Violations and order of abatement.

~~When the control officer has reasonable cause to believe that any person is violating any provision of this article or any rule or regulation adopted pursuant to this article or any requirement of an operating or conditional permit issued pursuant to this article he may forthwith serve upon such person by~~

~~certified mail or in person an order of abatement or may file a complaint alleging violation pursuant to 17.28.020, or both. The order shall state with particularity the act being done that constitutes the violation, shall state in its entirety the certain requirement, provision or rule or regulation being violated, shall state the duration of the order, and shall state that the alleged violator is entitled to a hearing if such hearing is requested in writing within twenty days after the date of issuance of the order. The order may be conditional and require a person to refrain from the particular acts unless certain conditions are met.~~

When the control officer has reasonable cause to believe that any person has violated or is in violation of any provision of this Title or any requirement of a permit issued pursuant to this Title, he may serve upon such person by certified mail or in person an order of abatement or may file a complaint in superior court alleging a violation pursuant to A.R.S. -Section- 49-513. The order shall state with particularity the act constituting the violation, shall state in its entirety the certain requirement, provision or rule violated, shall state the duration of the order and shall state that the alleged violator is entitled to a hearing, if such hearing is requested in writing within thirty days after the date of issuance of the order. The order may be conditional and require a person to refrain from particular acts unless certain conditions are met. An order issued under this section shall require the persons to whom it is issued to comply with the requirement, provision or rule as expeditiously as practicable. In the case of a source required to obtain a permit pursuant to this Title and Title V of the Clean Air Act (Permits), the order shall require compliance no later than one year after the date the order was issued, and shall be nonrenewable. (Ord. 1993-\_\_\_ § \_\_\_, 1993; Ord. 1991-136 § 17, 1991; Ord. 1989-165 § 24 (part), 1989; Ord. 1979-93 (part), 1979)

#### 17.28.020 Production of records.

When the control officer has reasonable cause to believe that any person has violated or is in violation of any provision of this Title or any requirement of a permit issued pursuant to this Title, he may request, in writing, that such person produce all existing books, records and other documents evidencing tests, inspections or studies which may reasonably relate to compliance or noncompliance with provisions of this Title within the time period specified in the written request. (Ord. 1993-\_\_\_ § \_\_\_, 1993; Ord. 1991-136 § 18, 1991; Ord. 1990-113 § 7, 1990; Ord. 1989-165 § 24 (part), 1989; Ord. 1979-93 (part), 1979)

#### 17.28.030 ~~Injunction~~ Injunctive relief.

~~A. Upon the failure or refusal of a person to comply with an order of abatement by the hearing board or the control officer in cases where an order for abatement has become effective, the county may file an action in the superior court of that county to restrain and enjoin the person from engaging in further acts violating the order of abatement. The court shall proceed as in other actions for injunctions.~~

~~B. If the control officer has reasonable cause to believe that a person is in violation of any provision of this Code, an order of abatement or permit issued pursuant to this Code, or that a person is creating an imminent and substantial endangerment to the public health or the environment because of a release of a harmful air contaminant unless that release is subject to enforcement under A.R.S. Title 3, Chapter 2, Article 6, the county attorney, at the request of the control officer, may file an action for a temporary restraining order, a preliminary injunction, a permanent injunction, or any other relief provided by law.~~

A. The county attorney, at the request of the control officer, shall file an action for a temporary restraining order, a preliminary injunction, a permanent injunction or any other relief provided by law, if the control officer has reasonable cause to believe that any of the following is occurring:

1. A person has violated or is in violation of any provision of this Title or any provision of a permit issued pursuant to this Title.

2. A person has violated or in violation of an effective order of abatement.

3. A person is creating an imminent and substantial endangerment to the public health or the environment because of a release of a harmful air contaminant, unless that release is subject to enforcement under A.R.S. Title 3, Chapter 2, Article 6.

B. In the preliminary hearing in an action for an injunction or restraining order brought pursuant to this article, any findings of the hearing board shall be prima facie evidence of the fact or facts found therein until rebutted. (Ord. 1993-\_\_\_ § \_\_\_, 1993; Ord. 1991-136 § 19, 1991; Ord. 1989-165 § 24 (part), 1989; Ord. 1979-93 (part), 1979)

#### 17.28.040 Precedence of actions.

For the benefit of the people of the state, court actions and proceedings brought under this Title shall be given precedence and brought to trial ahead of other litigation concerning private interests and other matters that do not affect public health and welfare. (Ord. 1989-165 § 24 (part), 1989; Ord. 1979-93 (part), 1979)

#### 17.28.050 ~~Penalties.~~ Preservation of rights.

~~A. Any person who violates any provision of this title or any effective order of abatement issued pursuant to this title is guilty of an offense punishable by six months in prison and/or imposition of a fine not less than fifty dollars or more than one thousand dollars per day for each day the violation continues.~~

~~B. Any enterprise that violates any provision of this title or any effective order of abatement issued pursuant to this title is guilty of an offense punishable by imposition of a fine not less than one hundred dollars or more than twenty thousand dollars per day for each day the violation continues.~~

~~C. Each day of violation shall constitute a separate offense.~~

It is the purpose of this Title to provide additional and cumulative remedies to prevent, abate, and control air pollution in the state. Nothing contained in this Title shall be construed to abridge or alter rights of action or remedies in equity under the common law or statutory law, criminal or civil, nor shall any provisions of this Title, or any act done by virtue thereof, be construed as estopping the state or any municipality, or owners of land from the exercise of their rights in equity or under the common law or statutory law to suppress nuisances or to abate pollution. (Ord. 1993-\_\_\_ § \_\_\_, 1993; Ord. 1990-113 § 8, 1990; Ord. 1989-165 § 24 (part), 1989; Ord. 1979-93 (part), 1979)

#### 17.28.060 Reviews for startup, shutdown, or malfunctions.

A. A source operator shall notify the control officer of any occurrence during malfunction, startup, or shutdown in which a ~~control standard~~ provision of this title is violated. Such notification shall identify the time, location, involved equipment, and the cause of the occurrence to the extent known. The notification shall be made as soon as possible, but in any case not later than four hours after the start of the next regular business day.

B. When startup, shutdown, or equipment malfunction causes or contributes to emissions in excess of a ~~control standard~~ established herein, and the control officer has issued a notice of violation for the exceedance, the alleged violator may petition the control officer to review the notice of violation. Each petition shall include as a minimum:

1. The identity of the stack and/or other emission points where the excess emissions occurred;

2. The magnitude of the excess expressed in the units of the applicable ~~control~~ standard, and the operating data and calculations used in determining the excess;

3. The time and duration of the excess;

4. The nature and cause of the excess;

5. If the excess emissions were the result of a malfunction, a description of the steps taken or planned to remedy the malfunction and to prevent recurrence;

6. The steps taken to limit the excess emissions; and

7. Evidence that the source's air pollution control equipment, process equipment, and/or processes were at all times maintained and operated, to the maximum practicable extent, consistent with good practice for minimizing emissions.

C. A petition for review of a notice of violation must be delivered to the control officer within seventy-two hours of the time and date of the field issued notice of violation, excluding weekends and legal holidays.

D. The control officer may defer prosecution of a notice of violation issued for an exceedance of a ~~control standard~~ provision of this title if the following conditions are met:

1. The alleged violator's petition for review was prepared according to subsection B of this section and the petition clearly demonstrates that the excess emissions were caused solely by a startup, shutdown, or equipment malfunction which was temporary, unavoidable, and not due to negligence;

2. The alleged violator's petition for review was received according to subsection C of this section;

3. The control officer has no evidence that the excess emissions associated with the alleged violation--or emissions associated with similar, recurring violations--exceeded one or more emissions discharge standards for more than an aggregate of three minutes in any one hour, or thirty minutes in any twenty-four-hour period, for all sources under control of the same source operator at a contiguous geographical area; and

4. It is determined that the alleged violation was not serious, that human health has not been unduly endangered either directly or indirectly, and that the alleged violator has made good-faith efforts to avoid the excess emissions or that no practical or reasonable control measures were available.

E. Nothing in this section shall be construed to limit the obligation of the source operator to prevent the exceedance of an ambient air quality standard or a maximum allowable increase of a pollutant in the ambient air as established herein, as the case may apply. (Ord. 1981-12 (part), 1981; Ord. 1979-93 (part), 1979)

#### 17.28.070 Civil penalties.

A. A person who violates any provision of this Title, any permit or permit condition issued pursuant to this Title, any fee or filing requirement, an effective order of abatement issued pursuant to this Title or any duty to allow or carry out inspection, entry or monitoring activities, is subject to a civil penalty of not more than ten thousand dollars per day per violation. The county attorney at the request of the control officer shall file an action in superior court to recover penalties provided for in this section.



B. For purposes of determining the number of days of violation for which a civil penalty may be assessed under this section, if the control officer has notified the source of the violation and makes a prima facie showing that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of notice, the days of violations shall be presumed to include the date of such notice and each day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature. Notice under this section is accomplished by the issuance of a notice of violation or order of abatement or by filing a complaint in superior court that alleges any violation described in subsection A of this section.

C. In determining the amount of a civil penalty under this section, the court shall consider all of the following:

1. The seriousness of the violation.
2. As an aggravating factor only, the economic benefit, if any, resulting from the violation.
3. Any history of that violation.
4. Any good faith efforts to comply with the applicable requirements.
5. The economic impact of the penalty on the violator.
6. The duration of the violation as established by credible evidence including evidence other than the applicable test method.
7. Payment by the violator of penalties previously assessed for the same violation.
8. Other factors as the court deems relevant.

D. All penalties collected pursuant to this section shall be deposited in the special public health fund prescribed in A.R.S. 49-480. (Ord. 1993-\_\_\_ § \_\_, 1993)

~~17.28.020 Classification of Violation~~ 17.28.080 Criminal penalties.

Text of section effective until October 31, 1994:

A. Any person who violates any provision of this Title, or any effective order of abatement, permit, or permit condition issued pursuant to this Title is guilty of a Class 1 misdemeanor for each day the violation continues unless another classification is specifically prescribed in this Title. Each day of violation shall constitute a separate offense. Peace officers and the control officer shall have the authority to issue a notice to appear under the same conditions and procedures set forth in A.R.S. Section 13-3903 for a violation of any provision of this Title ~~or any rule or regulation adopted pursuant to this title~~ or any effective order of abatement, permit, or permit condition issued pursuant to this Title.

~~B. In addition to criminal penalties provided for in subsection A, any person who violates any provision of this code, or any effective order of abatement, permit, or permit condition issued pursuant to this Code is subject to a civil penalty of not more than ten thousand dollars per day per violation. The county attorney, at the request of the control officer, may commence an action in superior court to recover civil penalties provided for by this subsection. Penalties recovered pursuant to this subsection shall be deposited in the special public health fund prescribed in A.R.S. Section 49-480. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1991-136 § 18, 1991; Ord. 1990-113 § 7, 1990; Ord. 1989-165 § 24 (part), 1989; Ord 1979-93 (part), 1979)~~

17.28.080 Criminal penalties.

Text of section effective after October 31, 1994:

A. A person who knowingly releases into the ambient air any extremely hazardous substance listed pursuant to 42 U.S.C. Section 11002(a)(2) or any hazardous air pollutant, and who knows at the time that he thereby places another person in imminent danger of death or serious bodily injury shall be guilty of a Class 2 felony. For any air pollutant for which the administrator, director or control officer has established a standard by regulation or in a permit, a release of such pollutant in accordance with that standard shall not constitute a violation of this subsection. For purposes of determining whether a defendant who is an individual knew that the violation placed another in imminent danger of serious bodily injury both of the following shall apply:

1. The defendant is responsible only for actual awareness or actual belief possessed.

2. Knowledge possessed by another person but not by the defendant may not be attributed to the defendant. Notwithstanding subdivisions 1 and 2 of this subsection, circumstantial evidence, including evidence that the defendant took affirmative steps to be shielded from relevant information, may be used to prove knowledge.

B. A person who operates a source that is required to have a permit both under this Title and under Title V of the Clean Air Act (Permits) and who knowingly operates such source without a permit issued by the control officer and without having filed a complete application for renewal of an existing permit in accordance with Title V of the Clean Air Act (Permits) and this Title is guilty of a Class 5 felony.

C. A person who operates a source that is subject to an emission standard that is required to be imposed in the source's permit both under this Title and under Title V of the Clean Air Act (Permits), and who knowingly violates such emission standard is guilty of a Class 5 felony.

D. A person who is subject to an effective order of abatement issued under this Title and who knowingly violates such order is guilty of a Class 5 felony.

E. A person who is required by the control officer pursuant to this Title to conduct performance tests, and who knowingly alters or modifies any such performance test in order to render the results inaccurate is guilty of a Class 5 felony.

F. A person who is required by the control officer to maintain any monitoring device pursuant to this Title, and who knowingly alters, modifies or destroys such monitoring device in order to render the results inaccurate is guilty of a Class 5 felony.

G. A person who operates a source that is required to have a permit issued pursuant to this Title and that is subject to a material permit condition other than an emission standard identified in subsection C of this section, and who knowingly violates such permit condition is guilty of a Class 6 felony. For purposes of this subsection a material permit condition means a permit condition determined by the control officer to be material pursuant to A.R.S. 49-464, Subsection G.

H. A person who is required to obtain a permit before commencing construction of a source both under this Title and under Title V of the Clean Air Act (Permits), and who knowingly commences construction of such source without a permit issued by the control officer is guilty of a Class 6 felony.

I. A person who operates a source that is not identified in subsection B of this section and that requires a permit under this Title, and who knowingly operates such source without a permit issued by the control officer and without

having filed a complete application for renewal of an existing permit in accordance with this Title is guilty of a Class 6 felony.

J. A person who is required by the control officer pursuant to this Title to operate a monitoring device, and who knowingly fails to maintain, operate or repair such monitoring device in order to render the device inaccurate is guilty of a Class 6 felony.

K. A person who is required to obtain a permit to commence construction of a source under this Title but not under Title V of the Clean Air Act (Permits), and who acting with criminal negligence commences construction of such source without a permit issued by the control officer is guilty of a Class 1 misdemeanor.

L. A person who acting with criminal negligence does any of the following is guilty of a Class 1 misdemeanor.

1. Violates a permit condition not described in subsection C or G of this section.

2. Violates an opacity standard, unless the opacity standard is required by Section 111 or Title I, Part C or D, of the Clean Air Act (Prevention of Significant Deterioration of Air Quality or Plan Requirements for Nonattainment Areas).

3. Violates a fee or filing requirement established both under this Title and under Title V of the Clean Air Act (Permits).

4. Violates any other provision of this Title for which a penalty is not otherwise prescribed.

M. Under this section, a knowing violation that continues for more than one day, but that results from a single act or series of related acts, constitutes the commission of a single offense.

N. In determining the amount of a fine under this section, the court shall consider all of the following:

1. The seriousness of the violation.

2. As an aggravating factor only, the economic benefit, if any, resulting from the violation.

3. Any history of that violation.

4. Any good faith efforts to comply with the applicable requirements.

5. The economic impact of the penalty on the violator.

6. The duration of the violation as established by credible evidence including evidence other than the applicable test method.

7. Payment by the violator of penalties previously assessed for the same violation.

8. Other factors as the court deems relevant.

O. It shall be an affirmative defense to any prosecution under subsection A of this section that the conduct charged was freely consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of either of the following:

1. An occupation, business or profession.

2. Medical treatment or medical or scientific experimentation conducted by professionally approved methods provided that the person endangered was made

aware of the risk involved in the treatment or experimentation prior to giving consent.

P. It shall be an affirmative defense to any prosecution for violation of an emission standard or opacity standard under subsection C or G or subsection L, paragraph 1, 2 or 4 of this section that both of the following conditions were satisfied:

1. The violation was reported by verbal or facsimile notification to the control officer within twenty-four hours after the source first learned of the violation.

2. The owner or operator of the source provided written notification to the control officer containing all of the following information within seventy-two hours following the verbal or facsimile notification:

a. Confirmation of the violation for which verbal or facsimile notification was provided.

b. Identification of the practicable corrective measures that have been undertaken or will be undertaken to control and minimize emissions until compliance with the applicable standard is achieved.

c. In the case of continuous or recurring violations, the notification requirement shall be satisfied if the source provides the required notification after violations are first detected and includes in such notification an estimate of the time the violations will continue. Violations occurring after the estimated time period shall require additional notification pursuant to subdivision 1 of this subsection.

Q. It shall be an affirmative defense to any prosecution under subsection B, H, I or K of this section for operating a source or commencing construction without a permit that, after accurately disclosing in writing all relevant information that is necessary to assess the requirement to obtain a permit and that is requested by a permitting authority, the defendant obtained and relied upon the written advice of a permitting authority that no permit was necessary. Failure of a permitting authority to respond in writing to a request for a determination under this subsection within fourteen days after receiving the information described above shall be deemed to be advice that no permit was necessary for purposes of this subsection.

R. The defendant may establish an affirmative defense provided by this section by a preponderance of the evidence.

S. For purposes of this section, the term "emission standard" means a numeric limitation on the volume or concentration of air pollutants in emissions from a source or a specific design, equipment or work practice standard, the purpose of which is to eliminate or reduce the volume or concentration of pollutants emitted by a source. The term "emission standard" does not include opacity standards. Violations of emission standards shall be determined in the manner prescribed by the applicable regulations issued by the administrator or the director or control officer.

T. Under this section, to prove a knowing violation the county shall prove actual knowledge of circumstances constituting each element of the offense which, as defined, requires proof of a culpable mental state. Actual knowledge may be proved by either direct or circumstantial evidence, including evidence that the person deliberately avoided acquiring such knowledge. A person's knowledge may not be inferred merely by his or her position within an enterprise. (Ord. 1993-§ , 1993; Ord. 1991-136 § 18, 1991; Ord. 1990-113 § 7, 1990; Ord. 1989-165 § 24 (part), 1989; Ord 1979-93 (part), 1979)

17.28.090 Hearings on orders of abatement.

A. An order of abatement issued by the control officer shall become effective immediately upon the expiration of the time during which a request for a hearing may be made pursuant to A.R.S. 49-511 unless the person or persons named in such order shall have made a timely request for a hearing before the hearing board. If a hearing is requested, the hearing board shall hold the hearing within thirty days from receipt of the request unless such time is extended by the hearing board. Written notice of the time and place of the hearing shall be sent by the hearing board to the person or persons requesting the hearing and to the control officer at least fifteen days before the hearing.

B. If the board, after the hearing, determines that the act or acts set forth in the order constitute a violation of any provision of this Title or any requirement of a permit or conditional order issued pursuant to this Title and that no conditional order is justified, the board shall affirm or modify the order of abatement. The order may be conditional and require a person to refrain from the particular act or acts unless certain conditions are met. (Ord. 1993-\_\_ § \_\_, 1993)

Article II. Conditional Orders.

~~17.28.070 Legal authority.~~

~~A. The air quality hearing board may grant to a person one conditional permit (variance) for each air pollution source allowing the source to vary from certain requirements of this Code if the hearing board finds that additional time is needed for compliance and, on the basis of evidence presented to it, that granting the conditional permit would not unduly endanger human health or safety either directly or indirectly.~~

~~B. Terms, conditions, procedures, and fees required for obtaining a conditional permit are contained in Chapter 17.08 herein, and this section.~~

~~C. Procedures.~~

~~1. A person who seeks a conditional permit shall file a petition with the hearing board. Within thirty days after the filing of a petition for conditional permit, the hearing board shall set a hearing date. The hearing date shall be within sixty days after the filing of the petition.~~

~~2. Notice of the filing of a petition for conditional permit and of the hearing date on such petition shall be published at least two times in a newspaper of general circulation in Pima County and by posting copies of the petition and notice in at least three conspicuous places.~~

~~3. The hearing on the petition for the conditional permit shall be public.~~

~~D. Terms and Conditions.~~

~~1. Within thirty days after the conclusion of the hearing on the petition for a conditional permit, the hearing board shall deny the petition or grant the petition on such terms and conditions as it deems appropriate.~~

~~2. The terms and conditions which are imposed as a condition to the granting or the continued existence of a conditional permit shall include, but not be limited to:~~

~~a. A detailed plan, not to exceed one year in duration, for completion of corrective steps needed to conform to the requirements of the rules and regulations of the board and the provisions of this article;~~

~~b. Such written reports as may be required;~~

~~C. The right to make periodic inspection of the facilities for which the conditional permit is granted.~~

~~3. A reasonable fee as may be prescribed by the control officer shall be deposited in the special public health fund.~~

~~E. Period of Variance. A conditional permit, and any extension thereof, shall be valid for such period as the hearing board prescribed but in no event for more than one year from the date of initial issuance.~~

~~F. Suspension and Revocation. If the terms and conditions of the conditional permit are being violated, the control officer may seek to revoke or suspend the conditional permit granted. In such event, the control officer shall serve notice of such violation on the holder of the conditional permit in the manner provided in Section 17.08.100. The notice shall specify the nature of such violation and the date on which a hearing will be held by the hearing board to determine if such a violation has occurred and whether the conditional permit should be suspended or revoked. The date of such hearing shall be within thirty days from the date said notice is served upon the holder of the conditional permit.~~

~~G. Decisions of Hearing Board.~~

~~1. All decisions of the hearing board, including the majority of opinion and all concurring and dissenting opinions, shall be in writing and shall be of public record.~~

~~2. A majority of the total membership of the hearing board shall concur in a decision for it to have effect.~~

~~3. The chairman or, in his absence, the vice chairman, may issue subpoenas to compel attendance of any person at a hearing and require the production of books, records and other documents material to a hearing. Obedience to subpoenas may be enforced pursuant to A.R.C. Section 12-2212.~~

~~4. Subject to the approval of the board of supervisors, the hearing board may adopt a manual of procedures governing its operation.~~

~~5. Decisions of the hearing board shall become effective not less than thirty days after they are issued unless:~~

~~a. A rehearing is granted which shall have the effect of staying the decision;~~

~~b. It is determined that an emergency exists which justifies an earlier effective date. (Ord. 1989-165 § 25, 1989; Ord. 1979-93 (part), 1979)~~

#### ~~17.28.080 General Procedures.~~

~~A. A petition for a conditional permit must contain a detailed schedule, not to exceed one year in duration, for completion of corrective steps necessary to fully comply with all control standards contained in the Code. This schedule must contain all of the following information in writing:~~

~~1. A description of the current process and/or operating procedures which are causing or may cause noncompliance, including process flow sheets, equipment descriptions, and any other information necessary to define the problem;~~

~~2. A description of design changes, schedules, production rates, changes in operation procedures, or other plans proposed to correct the problem, including conceptual design, equipment descriptions, process flow sheets, and expected emission rates;~~

~~3. An itemized schedule of planned increments of progress toward solving the problem, including dates for completing the design, ordering equipment, receipt of equipment, installation of equipment, testing, and other relevant steps.~~

~~4. A provision for periodic written progress reports to the control officer, including submission dates of reports, content of reports, preferred inspection dates, and other relevant information.~~

~~5. A provision for testing the new or modified operation to prove final compliance with all applicable control standards contained in this Code, and~~

~~6. A descriptive analysis of how the petitioner intends to prove to the hearing board that granting the conditional permit (variance) will not unduly endanger human health or safety, either directly or indirectly.~~

~~B. A conditional permit (variance), and any extension thereof, for a noncomplying operation or activity, shall be valid for a period determined by the hearing board, but in no event for more than one year from the date of initial issuance.~~

~~1. No more than one conditional permit shall be granted for an emission source during the entire lifetime of the source, unless amendments to this Code require additional emission control of such source.~~

~~C. Pursuant to the Code of Federal Regulations, public notice of hearings involving conditional permits (variances) which can later be approved by the administrator of the Environmental Protection Agency must be published at least thirty days in advance of the hearing. Therefore, in order to satisfy both statutory and federal requirements, a hearing held by the hearing board regarding a conditional permit must be held at least thirty days but not more than sixty days from the date of receipt of the petition for a conditional permit, unless such hearing is stayed by the hearing board. The hearings shall be conducted according to the following requirements:~~

~~1. The control officer shall publish at least twice in at least one local newspaper of wide circulation public notice of an initial hearing on a conditional permit, including the date, time, and place of such hearing.~~

~~2. A copy of the petitioner's proposed schedule for compliance, plus AQCD's tentative position paper regarding the petition, shall be made available at 130 West Congress Street, Tucson, Arizona 85701 for the general public's examination at the time of notice of the initial hearing.~~

~~3. Copies of the notice of the hearing board's initial hearing on a conditional permit shall be mailed to the control officer of the Pinal-Gila Counties air quality control district, the director of the Maricopa County bureau of air pollution control, the director of the Arizona Department of Environmental Quality, the regional administrator, Region IX, Environmental Protection Agency, the mayor of the city of Tucson, the mayor of the city of South Tucson, the mayor of the town of Marana, the mayor of the town of Oro Valley, and the executive director of the Pima association of governments, and~~

~~4. A record of each public hearing including the name of each commentator and a written summary of his comments, shall be made available to any person upon request.~~

~~D. Within thirty days of the effective date of a conditional permit which requires final compliance in more than ninety days from the effective date or which extends a previously issued conditional permit to more than ninety days from the initial effective date the control officer shall submit to the Director of the Arizona Department of Environmental Quality a report containing certifications of the required public notice actions, petition for permit, AQCD position paper, official record of hearing, and summary of the actions. The control officer shall request that such conditional permit be submitted by the governor of the state of Arizona to the regional administrator, Region IX,~~

~~Environmental Protection Agency, as a revision to Arizona's State Implementation Plan (SIP) for air quality control. (Ord. 1991-136 § 20, 1991; Ord. 1989-165 § 27, 1989; Ord. 1979-93 (part), 1979)~~

~~17.28.090 Judicial review.~~

~~A. Judicial review of hearing board decisions shall be pursuant to the provision of A.R.S. Title 12, Chapter 7, Article 6, Sections 12-901 et seq., except as provided in this section.~~

~~B. Within thirty days after service of notice of a final decision or order of the board, or an order denying a rehearing timely applied for, any person who was a party of record in the proceedings before the board, including the control officer of department authorized or designated to enforce air pollution regulations, may appeal therefrom to the superior court in the county in which the hearing was conducted and the scope of such review shall be determined pursuant to A.R.S. 12-910.~~

~~C. A notice of appeal, designating the ground therefore, and a demand in writing for a certified transcript of the testimony and exhibits shall be filed with the court and served on the board. After receipt of the demand, accompanied by payment of a fee of the current prevailing rate for transcript, and one dollar for certification thereof, the board shall make and certify the transcript and file it with the clerk of the court to which the appeal has been taken within thirty days, unless extended by agreement of the parties or order of the court.~~

~~D. When an appeal is taken from an order or decision of the board, such order or decision shall remain in effect pending final determination of the matter, unless stayed by the court, on a hearing after notice to the board and upon a finding by the court that there is probable cause for appeal and that great or irreparable damage may result to the petitioner warranting a stay.~~

~~E. An appeal may be taken to the court of appeals from the order of the superior court as in other civil cases. Proceedings under this section shall be given precedence and brought to trial ahead of other litigation concerning private interests and other matters that do not affect public health and welfare. (Ord. 1989-165 § 27, 1989; Ord. 1979-93 (part), 1979)~~

~~17.28.100 Time limitations regarding hearing board actions.~~ Conditional orders.

~~A. A summary of maximum allowable time limitations for appeals and other judicial actions before the hearing board is included in Table 17.28.100. These times have been extracted, for the most part, from various sections of Arizona Revised Statutes already cited, and if there is any conflict between the information contained in Table 17.28.100 and the statutes themselves, the statutes shall apply.~~

A. The control officer may grant to any person a conditional order for each air pollution source which allows such person to vary from any provision of A.R.S. Title 49, Chapter 3, Article 3, this Title, or any requirement of a permit issued pursuant to this Title if the control officer makes each of the following findings:

1. Issuance of the conditional order will not endanger public health or the environment, impede attainment or maintenance of the national ambient air quality standards, or constitute a violation of the Clean Air Act, and

2. Either of the following is true:

a. There has been a breakdown of equipment or upset of operations beyond the control of the petitioner which causes the source to be out of



compliance with the requirements of this Title; the source was in compliance with the requirements of this Title before the breakdown or upset, and the breakdown or upset may be corrected within a reasonable time.

b. There is no reasonable relationship between the economic and social cost of, and benefits to be obtained from, achieving compliance.

3. The source is not considered a Title V source.

B. The control officer may not issue a conditional order which allows a source to vary from the requirement to obtain a permit issued pursuant to Chapter 17.12, Articles II or III.

B- C. The following procedures shall apply to a person seeking a conditional order:

1. The person shall file a petition for a conditional order with the control officer. The petition shall contain at a minimum:

a. A description of the breakdown or upset.

b. A description of corrective action being undertaken to bring the source back into compliance.

c. An estimate of emissions related to the breakdown or upset.

d. A compliance schedule with a date of final compliance and interim dates as appropriate.

e. Sufficient justification and supporting documents if paragraph A.2.b. of this Section applies.

2. The control officer shall hold a public hearing to receive comments on petitions for conditional orders which would vary from requirements of the applicable implementation plan. The hearing date shall be set within thirty days after the filing of the petition and the hearing shall be held within sixty days after the filing of the petition.

3. Notice of the filing of a petition for a conditional order and of the hearing date on said petition shall be published in the manner provided in A.R.S. § 49-498 and subsections C and D of 17.12.340.

4. At the time the control officer publishes the first notice, the applicant shall post a notice containing the information required in subsection D of 17.12.340 at the site where the source is or may be located. Consistent with federal, state, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. The applicant shall place an additional posting providing notice of the hearing. Any posting shall be maintained until the public comment period is closed.

5. The control officer shall provide at least 30 days from the date of its first notice for public comment. The control officer shall keep a record of the commenters and of the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final decision is made, the record and copies of the control officer's responses shall be made available to the applicant and all commenters.

C. Decisions on petitions for a conditional order shall be made as follows:

1. For any conditional order that requires a revision to the SIP, the control officer shall comply with the requirements contained in 40 CFR 51, Subpart F.

2. For any other conditional order, the control officer shall grant or deny the petition on such terms and conditions as the control officer deems appropriate within thirty days after the conclusion of any required hearing, or, if no hearing is held, within sixty days after the filing of the petition.

D. A fee to cover the costs of processing conditional orders may be prescribed by the control officer and shall be deposited in the Air Quality Revenue Fund.

E. The terms of a conditional order or its renewal shall conform to the following:

1. A conditional order issued by the control officer shall be valid for such period as the control officer prescribes but in no event for more than one year.

2. The terms and conditions which are imposed as a condition to the granting or the continued existence of a conditional order shall include, but not be limited to:

a. A detailed plan for completion of corrective steps needed to conform to the provisions of this Title and the requirements of any permit issued pursuant to this Title.

b. A requirement that necessary construction shall begin as specified in the compliance schedule.

c. Written reports as may be required.

d. The right to make periodic inspection of the facilities for which the conditional order is granted.

3. A holder of a conditional order may petition the control officer to renew the order. The total term of the initial period and all renewals shall not exceed three years from the date of initial issuance of the order. Petitions for renewal may be filed at any time not more than sixty days nor less than thirty days prior to the expiration of the order. The control officer, within thirty days of receipt of a petition, shall renew the conditional order for one year if the petitioner is in compliance and conforming with the terms and conditions imposed. The control officer may refuse to renew the conditional order if, after a public hearing held within thirty days of receipt of a petition, the control officer finds that the petitioner is not in compliance and conforming with the terms and conditions of the conditional order. If, after a period of three years from the date of original issuance the petitioner is not in compliance and conforming with the terms and conditions, the control officer may renew a conditional order for a total term of two additional years only if the control officer finds that failure to comply and conform is due to conditions beyond the control of such petitioner.

4. If the control officer amends or adopts any rule imposing conditions on the operation of an air pollution source which have become effective as to the source by reason of the action of the control officer or otherwise, and which require the implementation of control strategies necessitating the installation of additional or different air pollution control equipment, the control officer may renew a conditional order for an additional term. The term of the renewal shall be governed by the preceding subsections of this section, except that the total term of the renewal shall not exceed two years.

5. A conditional order issued by the control officer shall be effective when issued unless the conditional order varies from the requirements of the applicable implementation plan, in which case the conditional order shall be submitted to the Administrator as a revision to the applicable implementation plan pursuant to Section 110(L) of the Act (Implementation Plans), and shall become effective upon approval by the Administrator.

F. If the terms and conditions of the conditional order are being violated, the control officer may seek to revoke or suspend the conditional order. In such

event, the control officer shall serve notice of such violation on the holder of the conditional order in the manner provided in A.R.S. 49-498. The notice shall specify the nature of such violation and the date on which a hearing will be held to determine if a violation has occurred and whether the conditional order should be suspended or revoked. The date of the hearing shall be within thirty days from the date the notice is served upon the holder of the conditional order.  
(Ord. 1993-\_\_ S \_\_, 1993; Ord. 1979-93 (part), 1979)

### Article III. Circumvention.

#### 17.28.110 Evasion of basic requirements.

No provision, rule, or regulation herein shall authorize any practice or combination of practices designed to circumvent the requirements of this ~~Code~~ Title. An intent, design, or act to circumvent the requirements of this ~~Code~~ Title shall be a violation of this ~~Code~~ Title. (Ord. 1979-93 (part), 1979)

#### ~~17.28.120 Concealment of emissions.~~

~~No person shall construct, install, erect, use, replace, modify, or operate an emission source so as to conceal an emission which would otherwise be a violation of a control standard established herein.~~

~~1. Concealment includes the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.~~

~~2. Concealment also includes operating in a piecemeal fashion to avoid compliance with a standard that would otherwise apply to the source on the basis of its size. (Ord. 1979-93 (part), 1979)~~

~~Table 17.28.100~~  
~~SUMMARY OF TIME LIMITATIONS FOR JUDICIAL ACTIONS~~  
~~BEFORE THE HEARING BOARD~~

<del>Primary Action Which Starts</del> <del>the Clock</del>	<del>Time</del> <del>Limit</del>	<del>Secondary Action</del>
<del>Permit denial by control</del>	<del>30 days</del>	<del>Emissions source operator</del> <del>appeals installation or</del> <del>operating permit denial.</del>
<del>Receipt of order of abate-</del> <del>ment by alleged violator.</del>	<del>20 days</del>	<del>Alleged violator appeals</del> <del>order of abatement.</del>
<del>Receipt of petition for</del> <del>hearing by hearing board</del> <del>regarding order of abate-</del> <del>ment.</del>	<del>30 days</del>	<del>Hearing board holds hearing</del> <del>to sustain, suspend, or</del> <del>modify order of abatement.</del>
<del>Hearing on order of abate-</del> <del>ment by hearing board.</del>	<del>15 days</del>	<del>Control officer issues</del> <del>public notice of hearing</del> <del>on order of abatement.</del>
<del>Receipt of petition for</del> <del>conditional permit.</del>	<del>30 days</del>	<del>Hearing board sets date for</del> <del>hearing on conditional permit.</del>
<del>Receipt of petition for</del> <del>conditional permit.</del>	<del>60 days</del>	<del>Hearing board holds hearing on</del> <del>request for conditional permit.</del>
<del>Hearing on petition for</del> <del>permit by hearing board.</del>	<del>30 days</del>	<del>Hearing board grants or denies</del> <del>request for conditional permit.</del>
<del>Receipt of notice of</del> <del>violation regarding</del> <del>conditional permit.</del>	<del>30 days</del>	<del>Hearing board holds hearing to</del> <del>revoke, suspend, or sustain</del> <del>conditional permit.</del>
<del>Hearing on revocation or</del> <del>suspension of conditional</del> <del>permit requested by control</del> <del>officer.</del>	<del>15 days</del>	<del>Control officer issues public</del> <del>notice of hearing to revoke or</del> <del>suspend conditional permit.</del>
<del>Decision issued by hearing</del> <del>board.</del>	<del>≥ 30 days</del>	<del>Hearing board order becomes</del> <del>effective.<sup>1</sup></del>
<del>Receipt of petition for</del> <del>modification of a condi-</del> <del>tional permit.</del>	<del>30 days</del>	<del>Hearing board holds hearing to</del> <del>modify or sustain conditional</del> <del>permit.</del>
<del>Receipt of hearing board</del> <del>decision.</del>	<del>30 days</del>	<del>Violator or control officer</del> <del>appeals hearing board decision</del> <del>to Superior Court.</del>
<del>Conditional permit</del> <del>becomes effective.</del>	<del>30 days</del>	<del>Control officer files report with</del> <del>ADEQ for SIP revision.<sup>2</sup></del>

<sup>1</sup> ~~Unless a rehearing is granted or an emergency exists.~~

<sup>2</sup> ~~Required only for conditional permits which extend for more than 90 days from~~  
~~the effective date (30 days available to ADEQ to forward requests to EPA~~  
~~Administrator).~~

~~(Ord. 1989-165 § 28, 1989; Ord. 1979-93 (part), 1979)~~

Section 8. That chapter 17.32 of the Pima County Code is amended to read as follows:

Chapter 17.32 EMERGENCY EPISODES AND PUBLIC AWARENESS

Sections:

Article I. Emergency Episodes.

- 17.32.010 State jurisdiction.
- 17.32.020 Determination of emergency conditions.
- 17.32.030 Emergency episode reporting.
- 17.32.040 Enforcement actions.

Article II. Availability of Monitoring Data.

- 17.32.050 Continuous monitoring of ambient air pollution.

Article III. Public Awareness.

- 17.32.060 Reports to the public.
- 17.32.070 General information.
- 17.32.080 Public participation in rulemaking.

Article I. Emergency Episodes.

- 17.32.010 State jurisdiction.

~~A~~ Pursuant to A.R.S. Section ~~49-450~~ 49-465, the Director of the Arizona Department of Environmental Quality and the Governor of Arizona have exclusive jurisdiction over any air pollution conditions which constitute an emergency risk to the public health. Orders of the Governor during any emergency episode condition in Pima County shall be enforced by the control officer. (Ord. 1993-     §   , 1993; Ord. 1989-165 § 29 (part), 1989; Ord. 1979-93 (part), 1979)

- 17.32.020 Determination of emergency conditions.

A. When the control officer determines that high concentrations of pollutants in the ambient air and/or weather conditions constitute an emergency risk to persons in the county, such determination shall be communicated promptly to the public and to the Director of the Arizona Department of Environmental Quality.

1. Criteria used for determining an emergency shall include the air pollutant concentration levels listed in Table 17.32.020.

2. Possible episode conditions shall include the progressively deteriorating air quality levels listed as Alert, Warning, and Emergency in Table 17.32.020. These criteria have been established to prevent, avoid, or reduce the significant harm level of air pollution. (Significant harm means increased morbidity or irreversible, incapacitating damage to the health of the citizenry.)

3. Weather forecasts of conditions which are likely to produce unusually high concentrations of air pollutants in a large area shall be communicated to the public when deemed appropriate by the control officer.

B. Upon the recommendation of the Director of the Arizona Department of Environmental Quality, the Governor of the state may, by proclamation, declare that an air pollution emergency exists in a specific area and may order appropriate curtailments of emissions as specified in 40 CFR 51, Appendix L to eliminate the emergency in the affected area. (Ord. 1993-     §   , 1993; Ord. 1989-165 § 29 (part), 1989; Ord. 1979-93 (part), 1979)

- 17.32.030 Emergency episode reporting.

A. During any stage of an air pollution episode in the county, the control officer shall redirect available resources toward a prearranged plan of air quality monitoring, reporting, and communication of information to the Arizona Department of Environmental Quality.

~~1.~~ B. Such plan shall include (as directed by the Director of ADEQ) collection and analysis of air pollutant data at intervals more frequent than normal, and continual analysis of local weather reports and forecasts.

~~2.~~ C. A written report of the air quality levels before, during, and after the episode condition shall be forwarded to the ADEQ Director within one week of the Episode. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1989-165 § 29 (part), 1989: Ord. 1979-93 (part), 1979)

#### 17.32.040 Enforcement actions.

A. Depending on the severity of an air pollution episode, the Governor of the state may prohibit or restrict various emission source activities in the affected area for the duration of the episode. ~~1.~~ Such prohibitions or restrictions may include the enforcement actions listed in Table 17.32.040 and in 40 CFR 51, Appendix L.

B. During any stage of an air pollution episode in the county, upon the request of the Director of the Arizona Department of Environmental Quality, the control officer shall redirect available staff to assist ADEQ staff in eliminating the episode condition, according to a prearranged plan.

1. Such plan shall include increased surveillance of emission sources, possible suspensions of existing air pollution permits, and enforcement of special emission limiting actions.

2. Mandatory prohibitions or restrictions imposed by the Director of the Arizona Department of Environmental Quality shall be implemented by the control officer upon the request of the ADEQ director. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1989-165 § 29 (part), 1989: Ord. 1979-93 (part), 1979)

### Article II. Availability of Monitoring Data.

#### 17.32.050 Continuous monitoring of ambient air pollution.

A. The control officer shall continually measure the concentration of air pollutants in the ambient air as needed by the overall control program and apprise the general public of current or imminent conditions which might be hazardous to their health.

~~1.~~ B. Each common pollutant shall be monitored in at least one location representative of an area of high population density in the county.

~~B.~~ C. Monitoring data shall be reduced to easily understandable terms and made available to the public upon request as soon as possible after acquisition.

~~1.~~ D. The latest available data shall be reported as current data, and data from any monitoring station currently in operation shall be selectively reported upon request. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

### Article III. Public Awareness.

#### 17.32.060 Reports to the public.

A. Violations of an ambient air standard which occurred during the preceding calendar year shall be communicated to the public in an annual report. This report shall be widely distributed, and shall include information on health

hazards associated with violations and on the pollution control measures which were implemented to reduce the hazardous emission levels. This report shall also suggest procedures for preventing recurrences of violations, and ways in which the public may participate in these procedures. For example, given advance information on adverse weather conditions, the control officer, upon the approval of the Director of the Arizona Department of Environmental Quality, may recommend that the public reduce motor vehicle use during selected hours.

B. The public shall be informed of average daily visibility, and average daily concentrations of three common air pollutants: TSP, CO and O<sub>3</sub>. This information shall be made available to newspapers, television and radio stations for dissemination. (Ord. 1989-165 § 31 1989: Ord. 1979-93 (part), 1979)

#### 17.32.070 General information.

~~A.~~ As resources permit, air quality control district staff shall respond to telephone and written inquiries from the public regarding the field of air pollution control or the air quality in Pima County, and shall grant interviews to the news media, public or private groups. (Ord. 1979-93 (part), 1979)

#### 17.32.080 Public participation in rulemaking.

A. The control officer shall encourage the public to provide input to the rulemaking process.

~~1- B.~~ Extensive publicity, including prominently displayed advertisements in newspapers of wide circulation and notification by mail to interested public and private organizations, shall be given to all public hearings conducted by the air quality advisory council, the air quality hearing board, and the board of supervisors concerning proposed amendments to this ~~Code~~ Title.

~~B- C.~~ The control officer shall consider public comment on methods to improve this ~~Code~~ Title, or to improve air quality in Pima County. For example, informal comments received from interested citizens may be filed and referred to when amending this document. (Ord. 1993-\_\_\_ § \_\_, 1993; Ord. 1979-93 (part), 1979)

**Table 17.32.020**  
**AIR POLLUTION EPISODE CRITERIA**

Pollutant	Averaging Time	Episode Stage* <del>(concentrations in <math>\mu\text{g}/\text{m}^3</math>)</del>			
		Alert	Warning	Emergency	Significant Harm
$\text{SO}_2$ ( $\mu\text{g}/\text{m}^3$ )	24 hours	800	1,600	2,100	2,620
<del>TSP</del>	<del>24 hours</del>	<del>375</del>	<del>625</del>	<del>875</del>	<del>1,000</del>
<del>TSP+SO<sub>2</sub></del>	<del>24 hours</del>	<del>65,000</del>	<del>261,000</del>	<del>393,000</del>	<del>490,000</del>
PM10 ( $\mu\text{g}/\text{m}^3$ )	24 hours	350	420	500	600
CO ( $\text{mg}/\text{m}^3$ )	8 hours	17 <del>0.000</del>	34 <del>0.000</del>	46 <del>0.000</del>	57.5 <del>00</del>
CO ( $\text{mg}/\text{m}^3$ )	4 hours	--	--	--	86.3 <del>00</del>
CO ( $\text{mg}/\text{m}^3$ )	1 hour	--	--	--	144 <del>0.000</del>
O <sub>3</sub> (ppm)	1 hour	<del>400</del> 0.2	<del>800</del> 0.4	<del>1,000</del> 0.5	<del>1,200</del> 0.6
NO <sub>2</sub> ( $\mu\text{g}/\text{m}^3$ )	1 hour	1,130	2,260	3,000	3,750
NO <sub>2</sub> ( $\mu\text{g}/\text{m}^3$ )	24 hours	282	565	750	938

\*Providing meteorological conditions are such that the pollutant concentration can be expected to remain at the designated levels for at least 12 hours.

(Ord. 1993-     §     , 1993; Ord. 1979-93 (part), 1979)



Table 17.32.040

**POSSIBLE CONTROL ACTIONS DURING VARIOUS STAGES  
OF AN AIR POLLUTION EPISODE<sup>1</sup>**

**Alert Stage**

1. Suspend all open burning permits.
2. Limit incineration to 12 noon to 4:00 p.m.
3. Curtail operations of selected manufacturing industries.
4. Request public to eliminate unnecessary motor vehicle use.

**Warning State**

1. Prohibit open burning.
2. Prohibit incineration.
3. Reduce emissions from manufacturing industries by at least 40 percent.
4. Transfer power plant generating loads outside affected area.
5. Prohibit highway construction and dust producing construction activities.
6. Prohibit dust producing crop preparation and cultivation activities.
7. Request public to eliminate motor vehicle use.

**EMERGENCY STAGE**

1. Prohibit operation of selected manufacturing industries.
2. Close all commercial, governmental, and institutional establishments except public safety and welfare institutions.
3. Reduce power generating loads.
4. Halt all construction except emergency construction.
5. Prohibit motor vehicle use except that necessary for public safety and welfare.

<sup>1</sup> Subject to orders by the Governor of Arizona and directed by the Director of the Arizona Department of Environmental Quality.

(Ord. 1989-165 § 30, 1989: Ord. 1979-93 (part), 1979)

Section 9. That title 17 of the Pima Code is amended by adding chapter 17.44 to read as follows:

CHAPTER 17.44 VOLUNTARY NO-DRIVE DAY ORDINANCE

Sections:

Article I. General Provisions.

- 17.44.010 Short Title.
- 17.44.020 Purpose.
- 17.44.030 Funding.

CHAPTER 17.44 VOLUNTARY NO-DRIVE DAY ORDINANCE

Article I. General Provisions.

17.44.010 Short Title.

The ordinance codified in this chapter shall be known as the "Voluntary No-Drive Day Ordinance." (Ord. 1993-\_\_\_ \$ \_\_\_, 1993;)

17.44.020 Purpose.

A Voluntary No-Drive Day program for Pima County is mandated by A.R.S. 49-506. The purpose of the program is to increase the community's awareness and knowledge of air quality issues related to automobile-generated air pollution. To achieve this goal, the Voluntary No-Drive Day program shall:

1. develop a coordinated, twelve month plan to increase the use of alternate transportation modes;
2. sponsor events which generate media coverage, both mass media and targeted media;
3. develop events in conjunction with other organizations or agencies which have the capacity to contribute resources towards air quality awareness and information;
4. increase community knowledge of air quality related issues; and
5. increase the community's awareness of the health and welfare risks associated with long-term exposure to automobile-generated pollution. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993)

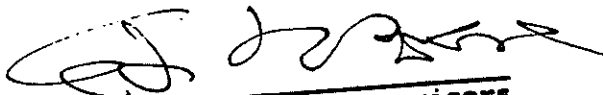
17.44.030 Funding.

The Voluntary No-Drive Day program shall be funded from the State Air Quality Fund pursuant to A.R.S. Section 49-551 and implementation of the program shall be subject to the availability of such funds. (Ord. 1993-\_\_\_ \$ \_\_\_, 1993)

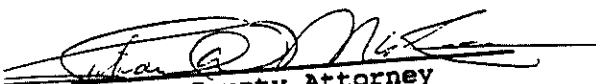
Section 10. Effective Date.

This ordinance shall be effective from and after the expiration of thirty days from the date of enactment.

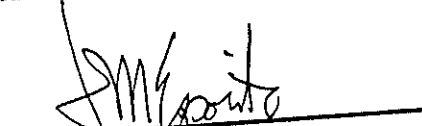
PASSED AND ADOPTED by the Board of  
Supervisors of Pima County, Arizona  
this 28 day of SEP 28 1993, 1993.

  
Chairman, Board of Supervisors  
SEP 28 1993

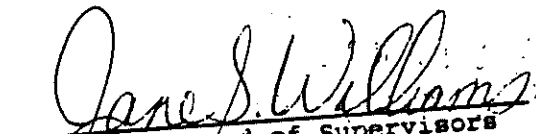
APPROVED AS TO FORM:

  
Deputy County Attorney

REVIEWED BY:

  
Director

ATTEST:

  
Clerk, Board of Supervisors



F. ANN RODRIGUEZ, RECORDER  
RECORDED BY: FVF  
DEPUTY RECORDER  
2003 RD1C



P0230  
PIMA CO CLERK OF THE BOARD

DOCKET: 9853  
PAGE: 609  
NO. OF PAGES: 120  
SEQUENCE: 94153646  
08/10/94  
ORDIN 11:49:00

TUCSON AZ 85701

PICKUP  
AMOUNT PAID \$ 60.50

ORDINANCE NUMBER 1994- 83

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS RELATING TO TITLE 17 OF THE PIMA COUNTY CODE, AIR QUALITY CONTROL: AMENDING SECTIONS 17.04.030, 17.04.340, 17.08.100, 17.12.050, 17.12.060, 17.12.070, 17.12.080, 17.12.090, 17.12.140, 17.12.150, 17.12.160, 17.12.170, 17.12.180, 17.12.190, 17.12.210, 17.12.220, 17.12.230, 17.12.240, 17.12.250, 17.12.260, 17.12.270, 17.12.290, 17.12.300, 17.12.310, 17.12.320, 17.12.340, 17.12.350, 17.12.360, 17.12.370, 17.12.380, 17.12.390, 17.12.400, 17.12.410, 17.12.420, 17.12.430, 17.12.440, 17.12.450, 17.12.460, 17.12.470, 17.12.510, 17.12.540, 17.12.610, 17.16.010, 17.16.030, 17.16.050, 17.16.060, 17.16.100, 17.16.150, 17.16.160, 17.16.165, 17.16.180, 17.16.290, 17.16.400, 17.16.430, 17.16.490, 17.16.530, 17.16.540, 17.16.550, 17.16.560, 17.16.570, 17.16.590, 17.16.600, 17.16.610, 17.16.630, 17.16.660, 17.20.080, 17.28.100; AND ADDING SECTIONS 17.04.420, 17.12.085, 17.12.525, AND 17.12.545.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That section 17.04.030 of the Pima County Code is amended to read:

17.04.030 Authority.

A. This Title is adopted pursuant to the authority granted by Title 49, Chapter 3, Article 1, Section 49-401, et seq., Arizona Revised Statutes, abbreviated hereinafter as A.R.S. when referring to a specific statute.

B. The board of supervisors shall adopt such rules as it determines are necessary and feasible to control the release into the atmosphere of air contaminants originating within the territorial limits of the county in order to control air pollution, which rules, except as provided in subsection D shall contain standards at least equal to or more restrictive than those adopted by the director. In fixing such standards, the board or region shall give consideration but shall not be limited to:

1. The latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on health and welfare which may be expected from the presence of an air pollution agent, or combination of agents in the ambient air, in varying quantities.
2. Atmosphere conditions and the types of air pollution agent or agents which, when present in the atmosphere, may interact with another agent or agents to produce an adverse effect on public health and welfare.
3. Securing to the greatest degree practicable, the enjoyment of the natural attractions of the state and the comfort and convenience of the inhabitants.

C. No rule may be enacted or amended except after the board of supervisors first holds a public hearing after twenty days notice of such hearing. The proposed rule, or any proposed amendment of a rule, shall be made available to the public at the time of notice of such hearing.

D. A county may adopt or amend a rule, emission standard, or standard of performance that is as stringent or more stringent than a rule, emission standard or standard of performance for similar sources adopted by the director only if the county complies with the applicable provisions of A.R.S. § 49-112.

E. All rules enacted pursuant to this section shall be made available to the public at a reasonable charge upon request. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § (part), 1993)

Section 2. That section 17.04.340 of the Pima County Code is amended to read:

17.04.340 Words, phrases, and terms.

Words, phrases, and terms used in this Title shall have the following meanings except where any narrative portion specifically indicates otherwise:

A. Definitions.

1. "Acid mist" means sulfuric acid mist as measured in the Arizona Testing Manual and 40 CFR 60, Appendix A.

2. "A.C.M" means asbestos-containing material.

3. "A.C.R.M" means asbestos-containing roofing materials.

4. "Act" or "Clean Air Act" means the Clean Air Act of 1963 (P.L. 88-206; 42 United States Code sections 7401 through 7671) as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549).

5. "Activity" or "Activities" means any land clearing, land stripping, earthmoving, trenching, road construction, blasting, excavation or storage of contaminated soil, storage of asbestos-containing material at temporary storage facilities in Pima County prior to final landfill disposal, and demolition or renovation of manmade facilities.

6. "Actual emissions" means the actual rate of emissions of an air pollutant from an emissions unit, as determined in accordance with paragraphs a through c.

a. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The control officer may allow the use of a different time period upon a demonstration that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored or combusted during the selected time period, or by any other method approved by the control officer.

b. If there is inadequate information to determine actual historic emissions (e.g., the source has only been operating for 6 months), the control officer may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

c. For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

7. "ADEQ" means the Arizona Department of Environmental Quality.

8. "ADHS" means the Arizona Department of Health Services.
9. "Administrator" means the Administrator of the United States Environmental Protection Agency.
10. "Adverse effects to human health" means those effects that result in or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, including adverse effects that are known to be or may reasonably be anticipated to be caused by substances that are acutely toxic, chronically toxic, carcinogenic, mutagenic, teratogenic, neurotoxic or causative of reproductive dysfunction.
11. "Adverse environmental effect" means any significant and widespread adverse effect which may reasonably be anticipated on wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.
12. "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a Class I area, as determined according to section 17.16.630.
13. "Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.
14. "Affected source" means a source that includes one or more units which are subject to emission reduction requirements or limitations under Title IV of the Act (Acid Deposition Control).
15. "Affected state" means any state whose air quality may be affected by a source applying for a permit, permit revision or permit renewal, and that is contiguous to Arizona; or that is within 50 miles of the permitted source.
16. "Affected unit" shall have the meaning given to it in the regulations promulgated under Title IV of the Act (Acid Deposition Control).
17. "Afterburner" means an incinerator installed in the secondary combustion chamber or stack for the purpose of incinerating smoke, fumes, gases, unburned carbon, and other combustible material not consumed during primary combustion.
18. "A.H.E.R.A" means the Asbestos Hazard Emergency Response Act.
19. "Air contaminant" means smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, or noxious chemicals, or any other material in the outdoor atmosphere other than chemically uncombined, nitrogen, oxygen, carbon dioxide, and water.
20. "Air curtain destructor" means an incineration device designed and used to secure, by means of a fan-generated air curtain, controlled combustion of only wood waste and slash materials in an earthen trench or refractory-lined pit or bin.
21. "Air pollution" or "air pollutant" means the presence in the outdoor atmosphere of one or more air contaminants or combination thereof in sufficient quantities, which either alone or in connection with other substances, by reason of their concentration and duration are or tend to be injurious to human, plant, or animal life; or causes damage to property; or unreasonably interferes with the enjoyment of life or property of a substantial part of a community, or obscures visibility; or which in any way degrades the quality of the ambient air below the standards established by the Board of Supervisors.

22. "Air pollution control equipment" means equipment used to eliminate, reduce or control the emission of air pollutants into the ambient air.

23. "Air quality control region" (AQCR) means an area so designated by the Administrator pursuant to Section 107 of the Act (Air Quality Control Regions) and includes the following regions in Arizona:

- a. Maricopa Intrastate Air Quality Control Region which is comprised of the County of Maricopa.
- b. Pima Intrastate Air Quality Control Region which is comprised of the County of Pima.
- c. Northern Arizona Intrastate Air Quality Control Region which encompasses the counties of Apache, Coconino, Navajo and Yavapai.
- d. Mohave-Yuma Intrastate Air Quality Control Region which encompasses the counties of La Paz, Mohave and Yuma.
- e. Central Arizona Intrastate Air Quality Control Region which encompasses the counties of Gila and Pinal.
- f. Southeast Arizona Intrastate Air Quality Control Region which encompasses the counties of Cochise, Graham, Greenlee and Santa Cruz.

24. "Allowable emissions" means the emission rate of a stationary or portable source calculated using both the maximum rated capacity of the source, unless the source is subject to federally enforceable limits which restrict the operating rate or hours of operation, and the most stringent of the following:

- a. The applicable new source performance standards or national emission standards for hazardous air pollutants, as contained in Chapter 17.16, Articles VI or VII and in 40 CFR 60 and 61;
- b. The applicable existing source performance standard, as approved for the SIP and contained in Chapter 17.16, Article IV; or,
- c. The emissions rate specified in any federally promulgated rule or federally enforceable permit conditions applicable to the state of Arizona.

25. "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to produce results adequate for the control officer's determination of compliance in accordance with subsection 17.12.040.D.

26. "Ambient air" means that portion of the atmosphere external to buildings to which the general public has access.

27. "Applicable implementation plan" means those provisions of the state implementation plan approved by the Administrator or a Federal implementation plan promulgated in accordance with Title I of the Act (Air Pollution Prevention and Control).

28. "Applicable requirement" means all of the following as they apply to emissions units covered by a Class I or Class II permit (including requirements that have been promulgated or approved by EPA through rule making at the time of issuance but have future-effective compliance dates):



a. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Act (Air Pollution Prevention and Control) that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52;

b. Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under Title I, including parts C or D, of the Act (Prevention of Significant Deterioration of Air Quality and Plan Requirements for Nonattainment Areas);

c. Any standard or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources), including section 111(d);

d. Any standard or other requirement under section 112 of the Act (Hazardous Air Pollutants), including any requirement concerning accident prevention under section 112(r)(7) of the Act;

e. Any standard or other requirement of the acid rain program under Title IV of the Act (Acid Deposition Control) or the regulations promulgated thereunder;

f. Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act (Inspections, monitoring and entry);

g. Any standard or other requirement governing solid waste incineration, under section 129 of the Act (Solid Waste Combustion);

h. Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act (Federal Ozone Measures);

i. Any standard or other requirement for tank vessels, under section 183(f) of the Act (Federal Ozone Measures);

j. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act (Air Pollution from Outer Continental Shelf Activities);

k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act (Stratospheric Ozone Production), unless the Administrator has determined that such requirements need not be contained in a Title V permit; and

l. Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act (Prevention of Significant Deterioration of Air Quality), but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act (Permit Requirements and Conditions);

m. and any other requirement established pursuant to this Title or A.R.S. Title 49, chapter 3.

29. "Approved" means approved "by the control officer". Any word implying acceptance, reasoning, or judgment means "by the control officer".

30. "AQCD" means the Pima County Air Quality Control District, operating within the Pima County Department of Environmental Quality (PDEQ).

31. "Architectural coating" means a coating used commercially or industrially for residential, commercial or industrial buildings and their appurtenances; structural steel; and other fabrications such as storage tanks, bridges, beams and girders.

32. "A.R.S" means Arizona Revised Statutes, with standard references in this Title by Title and Section, so that A.R.S. 49-101 means Section 101 of Title 49 of the Arizona Revised Statutes.

33. "Arizona Testing Manual" (ATM) means the Arizona Testing Manual for Air Pollutant Emissions.

34. "Asphalt concrete plant" means any facility used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cements. This is limited to facilities, including drum dryer plants that introduce asphalt into the dryer, which employ two or more of the following processes:

- a. A dryer.
- b. Systems for screening, handling, storing, and weighing hot aggregate.
- c. Systems for loading, transferring, and storing mineral filler.
- d. Systems for mixing asphalt concrete.
- e. The loading, transferring, and storage systems associated with emission control systems.

35. "ASTM" means the American Society for Testing and Materials.

36. "Attainment area" means an area so designated by the Administrator acting pursuant to Section 107 of the Act (Air Quality Control Regions) as having ambient air pollutant concentration equal to or less than national primary or secondary ambient air quality standards for a particular pollutant or pollutants.

37. "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

38. "Best available control technology" (BACT) means an emission limitation, including a visible emissions standard, based on the maximum degree of reduction for each regulated air pollutant which would be emitted from any proposed major stationary source or major modification which the control officer on a case-by-case basis, taking into account energy, environmental and economic impact and other costs, determines to be achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the control officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

39. "Black liquor" means waste liquor from the brown stock washer and spent cooking liquor which have been concentrated in the multiple-effect evaporator system.

40. "Btu" means British thermal unit, which is the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

41. "Building", "structure", "facility" or "installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group which has the same two-digit code, as described in the Standard Industrial Classification Manual, 1972, as amended by the 1987 supplement.

42. "Calcine" means the solid materials produced by a lime plant.

43. "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

44. "Categorical sources" means the following classes of sources:

- a. Coal cleaning plants with thermal dryers;
- b. Kraft pulp mills;
- c. Portland cement plants;
- d. Primary zinc smelters;
- e. Iron and steel mills;
- f. Primary aluminum ore reduction plants;
- g. Primary copper smelters;
- h. Municipal incinerators capable of charging more than 50 tons of refuse per day;
- i. Hydrofluoric, sulfuric, or nitric acid plants;
- j. Petroleum refineries;
- k. Lime plants;
- l. Phosphate rock processing plants;
- m. Coke oven batteries;
- n. Sulfur recovery plants;
- o. Carbon black plants using the furnace process;
- p. Primary lead smelters;
- q. Fuel conversion plants;
- r. Sintering plants;
- s. Secondary metal production plants;
- t. Chemical process plants;
- u. Fossil-fuel boilers, or combination thereof, totaling more than 250 million Btu's per hour heat input;
- v. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- w. Taconite preprocessing plants;
- x. Glass fiber processing plants;
- y. Charcoal production plants;
- z. Fossil fuel-fired steam electric plants and combined cycle gas turbines of more than 250 million Btu's per hour heat input.

45. "Category I nonfriable asbestos-containing material" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix A, subpart F, 40 CFR Part 763, section 1, Polarized Light Microscopy.

46. "Category II nonfriable asbestos-containing material" means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix A, subpart F, 40

CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized or reduced to powder by hand pressure.

47. "Cause" or "permit" (used as verbs) means to effect by action or participation, or by command, authority, or force; or allow, make possible, or consent to.

48. "CFR" means the Code of Federal Regulations, with standard references in this Title by Title and Part, so that "40 CFR 51" means "Title 40 of the Code of Federal Regulations, Part 51."

49. "Change in the method of operation" means any change in operations which is not already covered under the terms of the source's permit.

50. "Charge" means the addition of metal bearing materials, scrap, or fluxes to a furnace, converter or refining vessel.

51. "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM D-388-91, (Classification of Coals by Rank).

52. "Combustion" means the burning of matter.

53. "Commence" means, as applied to construction or modification of a source:

a. for purposes other than Title IV of the Act (Acid Deposition Control), that the owner or operator has obtained all necessary preconstruction approval or permits required by federal law and this chapter and has done either of the following:

(i) begun or caused to begin a continuous program of physical on-site construction of the source to be completed within a reasonable time; or

(ii) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

b. for purposes of Title IV of the Clean Air Act (Acid Deposition Control), that the owner or operator has undertaken a continuous program of construction or that an owner or operator has entered into a contractual obligation to undertake and complete within a reasonable time a continuous program of construction.

54. "Complete" means, in reference to an application for a permit or permit revision, that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the control officer from requesting or accepting any additional information.

55. "Concentrate" means enriched copper ore recovered from the froth flotation process.

56. "Concentrate dryer" means any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate a portion of the moisture from the charge, provided less than five percent of the sulfur contained in the charge is eliminated in the facility.

57. "Concentrate roaster" means any facility in which a copper sulfide ore concentrate is heated in the presence of air to eliminate five percent or more of the sulfur contained in the charge.

58. "Condensate stripper system" means a column, and associated condensers, used to strip, with air or steam, total reduced sulfur compounds from condensate streams of various processes within a kraft pulp mill.

59. "Construction" means any physical change or change in the method of operation, including fabrication, erection, installation, demolition, or modification of an emissions unit, which would result in a change in actual emissions.

60. "Contiguous geographical area" means a geographical area owned, leased, or under common control of the same proprietor, in which all portions are in contact by land surfaces and the outside boundary of such area can be circumscribed by a single unbroken boundary line. Such an area is considered contiguous even if it is intersected by a public road, wash, or watercourse.

61. "Continuous monitoring system" or "Continuous emissions monitoring (CEM) system" means the total equipment, required under the emission monitoring provisions in this Title, used to sample and, if applicable, to condition, to analyze, and to provide a permanent record of emission or process parameters.

62. "Control" means air pollution control or control of air pollution emissions.

63. "Control device" means the air pollution control equipment used to remove air contaminants generated by a process source from the effluent gas stream.

64. "Control officer" means the Director of Pima County Department of Environmental Quality who shall serve as the executive head of the Pima County Air Quality Control District, or one of his authorized agents.

65. "Controlled atmosphere incinerator" means one or more refractory-lined chambers in which complete combustion is promoted by recirculation of gases by mechanical means.

66. "Conventional" or "criteria" air pollutant means any pollutant for which the Administrator has promulgated a primary or secondary national ambient air quality standard.

67. "Converter" means any vessel to which copper matte is charged and oxidized to copper.

68. "County" means Pima County, Arizona.

69. "De minimis" means:

a. for the purposes of permit thresholds for non-Title V sources, those emission sources, equipment items, or emission levels which include the following:

(i) With respect to sand and gravel or aggregate classification processes: non-motorized screens.

(ii) With respect to printing press operations: printing press operations where total VOC emissions from all press operations, including cleanup, do not exceed 2.4 pounds per average operating day.

(iii) Pressure tanks and pressurized vessels which are not expected to lose product under normal operation containing liquid propane gas (LPG) or other products regardless of capacity.

(iv) Petroleum liquid storage tanks and delivery vessels with a capacity of less than 250 gallons.

(v) With respect to natural gas fuel burning equipment: any source with an aggregated capacity of less than 2,000,000 BTU per hour. The aggregated capacity shall be calculated by adding only those pieces of equipment rated at 300,000 BTU per hour or higher.

(vi) With respect to fuel burning equipment fired with a fuel other than natural gas or LPG: any source with an aggregated input capacity of less than 500,000 BTU per hour.

(vii) Emergency generators, as defined in this section, or standby motors.

(viii) With respect to surface coating operations: the aggregate of all surface coating operations of a source in which no coated product is heat cured and total VOC emissions do not exceed 2.4 pounds per average operating day.

(ix) With respect to architectural coating operations: operations for which all of the following apply:

(a) the operation is limited to applying coatings used commercially or industrially for residential, commercial, or industrial buildings and their appurtenances;

(b) coatings containing photochemically reactive solvents are not used unless purchased in containers of less than one quart;

(c) no architectural coatings are diluted with photochemically reactive solvents; and

(d) the coating is not done at a central facility.

(x) With respect to solvent degreasing:

(a) The aggregate of all solvent degreasing operations at a source where the total emissions do not exceed 2.4 pounds of VOC per average operating day and 5.5 pounds of other regulated air pollutants per average operating day.

(b) The aggregate of all solvent degreasing units under common ownership at a source where the total emissions do not exceed 2.4 pounds of VOC per average operating day and 5.5 pounds of other regulated air pollutants per average operating day.

(xi) The aggregate of all equipment, processes, or production lines at a facility that have total uncontrolled emissions of less than 2.4 pounds of VOC per average operating day and less than 5.5 pounds of other regulated air pollutants per average operating day.

b. unless otherwise specified in federal or state law, de minimis for purposes of determining whether a physical change or change in the method of operation constitutes a modification shall mean emissions that do not exceed the greater of:

(i) 12 pounds per operating day of total VOCs determined as an annual average;

(ii) 27.5 pounds per operating day of any other regulated air pollutant determined as an annual average; or

(iii) 10% of the source's allowable emissions for that pollutant.

c. In no case shall "de minimis" be construed to mean "significant" as defined in this section or section 18-2-101 of the AAC.

70. "Delivery vessels" means any vehicular mounted container(s) such as railroad tank cars, tanker trucks, tank trailers or any other mobile container used to transport gasoline, petroleum or petroleum distillates.

71. "Designated representative" shall have the meaning given to it in section 402(26) of the Act (Definitions) and the regulations promulgated thereunder.

72. "Director" means the director of the Arizona Department of Environmental Quality (ADEQ).

73. "Discharge" means the release or escape of an effluent from a source into the atmosphere.

74. "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by any of the following:

a. Using that portion of a stack which exceeds good engineering practice stack height;

b. Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

c. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This shall not include any of the following:

(i) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.

(ii) The merging of exhaust gas streams under any of the following conditions:

(a) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;

(b) Such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant, applying only to the emission limitation for that pollutant; or

(iii) Smoke management in agricultural or silvicultural prescribed burning programs.

(iv) Episodic restrictions on residential woodburning and open burning.

(v) Techniques which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

75. "Dry wash" and "river bed" mean a watercourse having beds, banks, sides and channels through which either waters currently flow, at least periodically, or through which waters flowed, at least periodically, but no longer flow.

76. "Dust" or "Dust emissions" means finely divided solid particulate matter occurring naturally or created by mechanical processing, handling or storage of materials in the solid state.

77. "Dust suppressant" means a material, procedure, work practice, or operation which may be used for suppressing dust, such as landscaping, gravel covering, paving, application of chemicals, or application of sufficient quantities of water.

78. "Effluent" means any air contaminant which is emitted and subsequently escapes into the atmosphere.

79. "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

80. "Emergency generator" and/or "standby motor" means any internal combustion engine used solely as a source of standby power and that is:

- a. operated less than 50 hours per year, as evidenced by an installed hour meter or written usage records maintained by the operator; or
- b. only used for power when normal power line service fails; or
- c. only used for the emergency pumping of water.

This definition does not include internal combustion engines used as standby power due to a voluntary reduction in power by the power company.

81. "Emission" means an air contaminant or gas stream, or the act of discharging an air contaminant or a gas stream, visible or invisible.

82. "Emissions allowable under the permit" means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

83. "Emissions unit" means any part of a stationary or portable source which emits or would have the potential to emit any pollutant subject to regulation under this Title.

84. "Emission standard" or "emission limitation" means a requirement established by the state, a local government, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

85. "Enforceable" means all limitations and conditions which are enforceable by the Administrator.

86. "Environmental Protection Agency (EPA)" means the United States Environmental Protection Agency as established by 40 CFR 1.1, et seq.

87. "Equipment" means any machine, incinerator, activity equipment, device, or other article including pollution control equipment that can or may contribute to or control emissions.



88. "Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated pursuant to section 17.12.040 to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

89. "Excess emissions" or "emissions in excess of an emission limitation" means emissions of an air pollutant in excess of an emission standard as measured by the compliance test method applicable to such emission standard.

90. "Existing source" means either:

a. a source in operation prior to the effective date of this Title, or a source on which the construction or modification has commenced and for which the control officer has granted a permit prior to the effective date of this Title; or

b. for NSPS purposes, "Existing source" may also mean any source which does not have an applicable new source performance standard under Chapter 17.16, Article VI.

91. "Federal Land Manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

92. "Federally enforceable" means:

a. The requirements of the New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants contained in Articles VI and VII of Chapter 17.16.

b. The requirements of such other state or county rules or regulations approved by the Administrator, including the requirements of approved state and county operating and new source review permit programs.

c. The requirements of any applicable implementation plan.

93. "Federally listed hazardous air pollutant" means any air pollutant listed pursuant to section 112(b) of the Act (Hazardous Air Pollutants) and adopted pursuant to A.R.S. section 49-426.03, Subsection A and not deleted pursuant to that subsection.

94. "Final permit" means the version of a permit issued by the Control Officer after completion of all review required by this Title.

95. "Fixed capital cost" means the capital needed to provide all the depreciable components.

96. "Floating roof" means a storage-vessel cover consisting of a pontoon, single-deck, double-deck, or internal floating solid material which rests upon the surface of and is supported by the liquid contents, and is equipped with a seal to close the space between the edge of the solid material and tank wall.

97. "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

98. "Fuel" means any material which is burned for the purpose of producing energy.

99. "Fuel burning equipment" means any machine, equipment, incinerator, device or other article, except stationary rotating machinery, in which combustion takes place.

100. "Fugitive dust" means fugitive emissions of particulate matter.

101. "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

102. "Fume" means solid particulate matter resulting from the condensation and subsequent solidification of vapors of melted solid materials.

103. "Fume incinerator" means a device similar to an afterburner installed for the purpose of incinerating fumes, gases and other finely divided combustible particulate matter not previously burned.

104. "Gasoline" means any petroleum distillate having a Reid vapor pressure greater than or equal to four pounds per square inch.

105. "General permit" means a permit issued by ADEQ pursuant to A.A.C Title 18, Chapter 2, Article 5 and administered, inspected and enforced by the department pursuant to this title.

106. "Good engineering practice (GEP) stack height" means a stack height meeting the requirements described in section 17.12.360.

107. "Haul road" means a road constructed for the principle purpose of hauling construction materials, or to provide access to one or more construction sites, mining activities, or industrial operations.

108. "Hazardous air pollutant" (HAP) means any federally listed hazardous air pollutant and any air pollutant that the director has designated as a hazardous air pollutant pursuant to A.R.S. 49-426.04, Subsection A and has not deleted pursuant to A.R.S. 49-426.04, Subsection C.

109. "Hazardous air pollutant reasonably available control technology" (HAPRACT) means an emissions standard for hazardous air pollutants which the director, acting pursuant to A.R.S. 49-426.06, Subsection C, or the control officer, acting pursuant to A.R.S. 49-480.04, Subsection C, determines is reasonably available for a source. In making the foregoing determination the director or control officer shall take into consideration the estimated actual air quality impact of the standard, the cost of complying with the standard, the demonstrated reliability and widespread use of the technology required to meet the standard, and any non-air quality health and environmental impacts and energy requirements. For purposes of this definition an emissions standard may be expressed as a numeric emissions limitation or as a design, equipment, work practice or operational standard.

110. "Hazardous Waste" means a hazardous waste as defined in 40 CFR 261, or a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may either:

a. Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating reversible illness; or

b. Pose a serious present or potential hazard to human health or the environment if improperly disposed.

111. "Hazardous Waste Fuel" means hazardous wastes that are burned for energy recovery in an industrial furnace or boiler that is not regulated as a hazardous waste incinerator. Hazardous waste fuel includes fuel produced from hazardous waste by processing, blending, or other treatment.

112. "Heat input" means the quantity of heat in terms of Btu's generated by fuels fed into the fuel burning equipment under conditions of complete combustion.

113. "Herein" when used anywhere in this Title, refers to the complete set of rules and regulations contained in this Title.

114. "High sulfur oil" means fuel oil containing 0.90 percent or more by weight of sulfur.

115. "High terrain" means any area having an elevation of 900 feet or more above the base of the stack of a source.

116. "Incinerator" means any equipment, machine, device, contrivance or other article, and all appurtenances thereof, used for the combustion of refuse, salvage materials or any other combustible material except fossil fuels, for the purpose of reducing the volume of material other than those used for pollution control.

117. "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

118. "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or act of Congress.

119. "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice, or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

120. "Kraft pulp mill" means any stationary source which produces pulp from wood by cooking or digesting wood chips in a water solution of sodium hydroxide and sodium sulfide at high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.

121. "Land stripping", "land clearing activity" or "land stripping activity" means removal of all or any portion of existing vegetation from parcels of land with equipment which plows or scrapes the ground surface.

122. "Lead" means elemental lead or alloys in which the predominant component is lead.

123. "Lime hydrator" means a unit used to produce hydrated lime product.

124. "Lime kiln" means a unit used to calcinate lime rock or kraft pulp mill lime mud which consists primarily of calcium carbonate, into quicklime, which is calcium oxide.

125. "Lime plant" includes any plant which produces a lime product from limestone by calcination. Hydration of the lime product is also considered to be part of the source.

126. "Lime product" means any product produced by the calcination of limestone.

127. "Loading facility" means any operation or facility (such as gasoline, petroleum distillates, or petroleum storage tank farms, pipeline terminals, bulk plants or loading docks) where gasoline, petroleum or petroleum distillates are transferred or loaded into delivery vessels or other storage facilities for further distribution.

128. "Low sulfur oil" means fuel oil containing less than 0.90 percent by weight of sulfur.

129. "Low terrain" means any area other than high terrain.

130. "Lowest achievable emission rate" (LAER) means, for any source, the more stringent rate of emissions based on one of the following:

a. The most stringent emissions limitation which is contained in the SIP of any state for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or,

b. The most stringent emissions limitation which is achieved in practice by such class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable standards of performance as contained in Chapter 17.16 Articles VI and VII.

131. "Major modification" means any physical change or change in the method of operation of a major source that would result in a significant net emissions increase of any regulated air pollutant.

a. Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.

b. Any net emissions increase that is significant for oxides of nitrogen shall be considered significant for ozone for ozone nonattainment areas classified as marginal, moderate, serious or severe.

c. For the purposes of this definition the following shall not be considered a physical change or change in the method of operation:

(i) Maintenance, repair and replacement which the control officer determines to be routine.

(ii) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. § 792, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act, 16 U.S.C. §§ 792 - 825r;

(iii) Use of an alternative fuel by reason of an order or rule under Section 125 of the Act (Measures to Prevent Economic Disruption or Unemployment);

(iv) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(v) Use of an alternative fuel or raw material by a stationary source which either:

(a) The source was capable of accommodating before December 12, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, pursuant to 40 CFR 52.21, or under the permitting provisions of this Title; or

(b) The source is approved to use under any permit issued under 40 CFR 52.21, or under the permitting provisions of this Title.

(vi) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, pursuant to 40 CFR 52.21, or under the permitting provisions of this Title.

(vii) Any change in ownership at a stationary source.

132. "Major source" for the purposes of this title shall have the same meaning as defined in A.A.C. R17-2-101.

133. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment, process equipment or a process to operate in a normal manner, but does not include failures that are caused by poor maintenance, careless operations or any other upset condition or equipment breakdown which could have been prevented by the exercise of reasonable care.

134. "Material permit condition" shall mean a condition which satisfies all of the following:

a. The condition is in a permit or permit revision issued by the control officer after the effective date of this section.

b. The condition is identified within the permit as a material permit condition.

c. The condition is one of the following:

(i) An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement.

(ii) A requirement to install, operate or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required pursuant to the requirements of A.R.S. § 49-426.06.

(iii) A requirement for the installation or certification of a monitoring device.

(iv) A requirement for the installation of air pollution control equipment.

(v) A requirement for the operation of air pollution control equipment.

(vi) Any opacity standard required by section 111 (Standards of Performance for New Stationary Sources) or Title I, part C or D (Air Pollution Prevention and Control) of the Act.

d. Violation of the condition is not covered by subsections A through F, or H through J of A.R.S. 49-464 or subsections A through F, or H through J of A.R.S. 49-514.

135. "Matte" means a metallic sulfide made by smelting copper sulfide ore concentrate or the roasted product of copper sulfide ores.

136. "Maximum achievable control technology" (MACT) means an emission standard that requires the maximum degree of reduction in emissions of the hazardous air pollutants subject to this Title, including a prohibition on such emissions where achievable, that the control officer, after considering the cost of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements, determines to be achievable by a source to which such standard applies, through application of measures, processes, methods, systems or techniques including measures which:

a reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications.

b Enclose systems or processes to eliminate emissions.

c collect, capture or treat such pollutants when released from a process, stack, storage or fugitive emissions point.

d are design, equipment, work practice, or operational standards, including requirements for operator training or certification.

e are a combination of the above.

137. "Metallic particulate" means any solid or vaporous emission containing antimony, beryllium, cadmium, chromium, cobalt, lead, mercury, nickel, phosphorus, or selenium in either elemental form or as part of a compound.

138. "Mining activity" means an activity involving earthmoving operations, including blasting, for the primary purpose of extracting from the earth, minerals such as but not limited to, sand, gravel, overburden, aggregate, limestone, rock, or ore.

139. "Minor source" means a source of air pollution which is not a major source for the purposes of Chapter 17.16, Article VIII and over which the control officer has jurisdiction.

140. "Minor source baseline area" means the air quality control region in which the source is located.

141. "Miscellaneous metal parts and products" for purposes of industrial coating include all of the following:

a. Large farm machinery, such as harvesting, fertilizing and planting machines, tractors, and combines.

b. Small farm machinery, such as lawn and garden tractors, lawn mowers, and rototillers.

c. Small appliances, such as fans, mixers, blenders, crock pots, dehumidifiers, and vacuum cleaners.

d. Commercial machinery, such as office equipment, computers and auxiliary equipment, typewriters, calculators, and vending machines.

e. Industrial machinery, such as pumps, compressors, conveyor components, fans, blowers, and transformers.

f. Fabricated metal products, such as metal covered doors and frames.

g. Any other industrial category which coats metal parts or products under the Code in the "Standard Industrial Classification Manual, 1987" of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (non-electric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries), except all of the following:

(i) Automobiles and light-duty trucks.

(ii) Metal cans.

- (iii) Flat metal sheets and strips in the form of rolls or coils.
- (iv) Magnet wire for use in electrical machinery.
- (v) Metal furniture.
- (vi) Large appliances.
- (vii) Exterior of airplanes.
- (viii) Automobile refinishing.
- (ix) Customized top coating of automobiles and trucks, if production is less than 35 vehicles per day.
- (x) Exterior of marine vessels.

142. "Mobile source" means any combustion engine, device, machine or equipment that operates during transport and that emits or generates air contaminants whether in motion or at rest.

143. "Modification" or "modify" means a physical change in or change in the method of operation of a source which increases the actual emissions of any air pollutant emitted by such source by more than any relevant de minimis amount or which results in the emission of any air pollutant not previously emitted by more than such de minimis amount.

144. "Monitoring device" means the total equipment, required under the applicable provisions of this Title, used to measure and record, if applicable, process parameters.

145. "Motor vehicle" means any self-propelled vehicle, such as, but not limited to, the following: truck, car, cycle, bike or buggy designed for transporting persons or property on public highways.

146. "Multiple chamber incinerator" means three or more refractory-lined combustion chambers in series, physically separated by refractory walls and interconnected by gas passage ports or ducts.

147. "Multiple-effect evaporator system" means the multiple-effect evaporators and associated condenser and hotwell used to concentrate the spent cooking liquid that is separated from the pulp.

148. "NAAQS" means national ambient air quality standards.

149. "National ambient air quality standard" means the ambient air pollutant concentration limits established by the administrator pursuant to 42 United States code section 7409.

150. "Necessary preconstruction approvals or permits" means those permits or approvals required under the Act and those air quality control laws and rules which are part of the SIP.

151. "NESHAP" means the National Emission Standard for Hazardous Air Pollutants, according to 40 CFR 61.

152. "NESHAP facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation or building.

153. "Net emissions increase" means:

- a. The amount by which the sum of subparagraphs (i) and (ii) exceeds zero:

(i) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

(ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:

(i) The date five years before construction on the particular change commences; and

(ii) The date that the increase from the particular change occurs.

c. An increase or decrease in actual emissions is creditable only if the control officer has not relied on it in issuing an permit, which is in effect when the increase in actual emissions from the particular change occurs. In addition, in nonattainment areas, a decrease in actual emissions shall be considered in determining net emissions increase due to modifications only if the county has not relied on it in demonstrating attainment or reasonable further progress.

d. An increase or decrease in actual emissions of sulfur dioxide, nitrogen oxides, or particulate matter which occurs before the applicable baseline date, as described in section 17.08.150, is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

e. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

f. A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins; and,

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(iv) The emissions unit was actually operated and emitted the specific pollutant.

g. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

154. "Neutral sulfite semichemical pulping" means any operation in which pulp is produced from wood by cooking or digesting wood chips in a solution of sodium sulfite and sodium bicarbonate, followed by mechanical defibrating or grinding.

155. "New source" means any source that is not an existing source.



156. "Nitric acid plant" means any facility producing nitric acid 30 to 70 percent in strength by either the pressure or atmospheric pressure process.

157. "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in the Appendices to 40 CFR 60.

158. "Nonattainment area" means an area so designated by the Administrator acting pursuant to Section 107 of the Act (Air Quality Control Regions) as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.

159. "Nonattainment area plan" means an air pollution control plan developed in accordance with 42 United States code sections 7501 through 7515.

160. "Non-Neshap facility" means a residential structure containing 3 or 4 units.

161. "Nonpoint source" means a source of air contaminants which lacks an identifiable plume or emission point.

162. "NSPS" means new source performance standards.

163. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

164. "Open outdoor fire" or "open burning" means combustion in the outdoors of any material, during which the products of combustion are not directed through a flue, chimney, duct, vent, stack, or other restrictive device designed or installed for the principle purpose of discharging the effluent to the atmosphere.

165. "Operating day" means any day equipment is operated.

166. "Operation" means any physical or chemical action resulting in the change in location, form, physical properties or chemical character of a material.

167. "Organic materials" means those defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, and ammonium carbonate.

168. "Owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

169. "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

170. "Particulate matter emissions" means all finely divided solid or liquid materials other than uncombined water, emitted to the ambient air as measured by applicable test methods and procedures described in section 17.12.040.

171. "PDEQ" or "Department" means the Pima County Department of Environmental Quality.

172. "Permit program costs" means all reasonable (direct and indirect) costs required to develop and administer a permit program, as set forth in 40 CFR, § 70.9(b) (whether such costs are incurred by the permitting authority or other State or local agencies that do not issue permits directly, but that support permit issuance or administration).

173. "Permitting authority" means the department or a county department or agency that is charged with enforcing a permit program adopted pursuant to A.R.S. § 49-480, subsection A.

174. "Person" includes any public or private corporation, company, partnership, firm, trust, association or society of persons, the federal government and any of its departments or agencies, the state and any of its agencies, departments or political subdivisions, as well as a natural person.

175. "Petroleum liquids" means any crude petroleum or any finished or intermediate products which are manufactured by crude petroleum processing and finishing operations.

176. "Petroleum product" means any petroleum liquid having a vapor pressure of 1.5 psia or greater, including gasoline manufactured by any process.

177. "Physical change" means any replacement, addition or alteration of equipment that is not already allowed under the terms of the source's permit.

178. "Planning agency" means the organization designated by the governor pursuant to 42 United States Code Section 7504 as having the authority and responsibility of preparing nonattainment area plans.

179. "Plume" means visible effluent.

180. "PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by a reference method contained within 40 CFR 50 Appendix J or by an equivalent method designated in accordance with 40 CFR 53.

181. "PM10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten micrometers emitted to the ambient air as measured by applicable test methods and procedures described in section 17.12.040.

182. "Portable source" means any building, structure, facility or installation subject to regulation pursuant to A.R.S. §49-426 which emits or may emit any air pollutant and is capable of being operated at more than one location.

183. "Potential to emit" or "potential emission rate" means the maximum capacity of a stationary source to emit pollutant, excluding secondary emissions, under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

184. "Primary ambient air quality standards" means the ambient air quality standards which define levels of air quality necessary, with an adequate margin of safety, to protect the public health, as specified in Chapter 17.08, Article I.

185. "Primary standard attainment date" means the date defined within a nonattainment area plan in accordance with 42 United States code sections 7401 through 7515 and after which date primary national ambient air quality standards may not be violated.

186. "Private driveway" means a road constructed for the sole purpose of gaining access to a one or two-family residence.

187. "Private residence" means a one or two family dwelling unit.

188. "Process" means one or more operations, including equipment and technology, used in the production of goods or services or the control of by-products or waste.

189. "Process source" means the last operation or process which produces an air contaminant resulting from either:

- a. The separation of the air contaminants from the process material, or
- b. The conversion of constituents of the process materials into air contaminants which is not an air pollution abatement operation.

190. "Process weight" means the total weight of all materials introduced into a source, including fuels, where these contribute to pollution generated by the process.

191. "Process weight rate" means a rate established pursuant to 17.16.130 (F).

192. "Proposed permit" means the version of a permit for which the control officer offers public participation or affected state review under the provisions of Chapter 17.12, Article II.

193. "Proposed final permit" means the version of a Title V permit that the Department proposes to issue and forwards to the Administrator for review under the provisions of Chapter 17.12, Article II.

194. "Quantifiable emission reductions (and increases)" are those for which both the amount and the character of those emissions may be quantified. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, process or production inputs, modeling, or other reasonable measurement practices. Quantification methods shall be credible, workable and replicable. The method for calculating emissions should be used to measure the emissions both before and after the changes in emission levels, both at the generator and at the user of the emission reduction.

195. "RACT (reasonably available control technology)" means devices, systems process modifications, or other apparatus or techniques that are reasonably available taking into account (1) the necessity of imposing such controls, (2) the social, environmental and economic impact of such controls, and (3) alternative available measures.

196. "Reasonable further progress" means the schedule of emission reductions defined within a nonattainment area plan as being necessary to come into compliance with a national ambient air quality standard by the primary standard attainment date.

197. "Reclaiming machinery" means any machine, equipment device or other article used for picking up stored granular material and either depositing this material on a conveyor or reintroducing this material into the process.

198. "Reconstruction" of sources located in nonattainment areas shall be presumed to have taken place where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new stationary source, as determined in accordance with the provisions of 40 CFR 60.15(f)(1)-(3).

199. "Recovery furnace" means the unit, including the direct-contact evaporator for a conventional furnace, used for burning black liquor to recover chemicals consisting primarily of sodium carbonate and sodium sulfide.

200. "Reference method" means the methods of sampling and analyzing for an air pollutant as described in the Arizona Testing Manual; 40 CFR 50, Appendices A through K; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C.

201. "Regulated air pollutant" means any of the following:

- a. Any conventional air pollutant as defined in A.R.S. § 49-401.01.
- b. Nitrogen oxides and volatile organic compounds.
- c. Any air contaminant that is subject to a standard contained in Chapter 17.16, Article VI.
- d. Any hazardous air pollutant as defined in A.R.S. § 49-401.01.
- e. Any class I or II substance listed in section 602 of the Act (Listing of Class I and Class II Substances).

202. "Regulated asbestos-containing material (RACM)" means:

- a. Friable asbestos material,
  - b. Category I nonfriable ACM that has become friable,
  - c. Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting or abrading,
- or
- d. Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this title.

203. "Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquified petroleum gases, as determined by ASTM D-323-90 (Test Method for Vapor Pressure of Petroleum Products) (Reid Method).

204. "Resource recovery project" means any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse. Only energy conversion facilities that utilize solid waste which provides more than 50 percent of the heat input shall be considered a resource recovery project under this Article.

205. "Responsible official" means one of the following:

a. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(ii) The delegation of authority to such representatives is approved in advance by the permitting authority;

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

c. For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this Article, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

d. For affected sources:

(i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Act (Acid Deposition Control) or the regulations promulgated thereunder are concerned; and

(ii) The designated representative for any other purposes under 40 CFR part 70.

206. "Reverberatory smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calclines is performed and in which the heat necessary for smelting is provided primarily by combustion of a fossil fuel.

207. "Road" means a path, trail, driveway, freeway, street, or accessway which is constructed for principle use by vehicular traffic.

208. "Road construction" means the construction of a new roadway or the conversion of an existing unpaved road to a paved road.

209. "Rotary lime kiln" means a unit with an included rotary drum which is used to produce a lime product from limestone by calcination.

210. "Rules and regulations" means the complete set of Pima County air quality control district rules and regulations contained in this Title, including any future revisions, additions, or amendments, specifically referring to this Title and future amendments as distinguished from any former rules and regulations.

211. "Run" means the net period of time during which an emission sample is collected, which may be, unless otherwise specified, either intermittent or continuous within the limits of good engineering practice.

212. "Scrap metal sweater" or "sweater" means a furnace designed to melt metallic scrap for the principle purpose of separating and recovering the metal.

213. "Secondary ambient air quality standards" means the ambient air quality standards which define levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant, as specified in Chapter 17.08, Article I.

214. "Secondary emissions" means emissions which are specific, well defined, quantifiable, occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

215. "Service road" means a road constructed for the principle purpose of providing maintenance or service of/to pipelines, power lines, farmland, public utilities, right-of-way, or refuse collection.

216. "Shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose, except routine phasing out of process equipment.

217. "Significance levels" means the following ambient concentrations for the enumerated pollutants:

Pollutant	Averaging Time				
	Annual	24 Hour	8 Hour	3 Hour	1 Hour
SO <sub>2</sub>	1 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>		25 µg/m <sup>3</sup>	
NO <sub>2</sub>	1 µg/m <sup>3</sup>				
CO			0.5 mg/m <sup>3</sup>		2 mg/m <sup>3</sup>
PM <sub>10</sub>	1 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>			

Except for the annual pollutant concentrations, exceedance of significance levels shall be deemed to occur when the ambient concentrations of the above pollutants is exceeded more than once per year at any one location. If such concentrations occur at a specific location and at a time when Arizona ambient air quality standards for such pollutant is not violated, then the significance level does not apply.

218. "Significant" means:

a. In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant	Emissions Rate (tons per year)
Carbon monoxide	100 tpy
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Particulate matter	25 tpy
PM10	15 tpy
VOC	40 tpy
Lead	0.6 tpy
Fluorides	3 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H <sub>2</sub> S)	10 tpy
Total reduced sulfur (including H <sub>2</sub> S)	10 tpy
Reduced sulfur compounds (including H <sub>2</sub> S)	10 tpy
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.5x10 <sup>-6</sup> tpy
Municipal waste combustor metals (measured as particulate matter)	15 tpy
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tpy

b. In ozone nonattainment areas classified as serious or severe, significant emissions of VOC shall be determined under section 17.16.580.

c. In reference to a regulated air pollutant that is not listed in subparagraph (a), is not a Class I or II substance listed in Section 602 of the Act and is not a hazardous air pollutant according to A.R.S. § 49-401.01(11), any emission rate.

d. Notwithstanding the emission amount listed in paragraph (a), any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers of a Class I area and have an impact on the ambient air quality of such area equal to or greater than  $1 \mu\text{g}/\text{m}^3$  (24-hour average).

219. "Slag" means the fused and vitrified matter separated during the reduction of a metal from its ore.

220. "Smelt dissolving tank" means a vessel used for dissolving the smelt collected from the kraft mill recovery furnace.

221. "Smelter feed" means all materials utilized in the operation of a copper smelter including metals or concentrates, fuels and chemical reagents, calculated as the aggregate sulfur content of all fuels and other feed materials whose products of combustion and gaseous by-products are emitted to the atmosphere.

222. "Smelting" means processing techniques for the smelting of a copper sulfide ore concentrate or calcine charge leading to the formation of separate layers of molten slag, molten copper, or copper matte.

223. "Smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided by an electric current, rapid oxidation of a portion of the sulfur contained in the concentrate as it passes through an oxidizing atmosphere, or the combustion of a fossil fuel.

224. "Smoke" means particulate matter resulting from incomplete combustion.

225. "Solvent degreasing" means the removal of loosely held uncured adhesives, uncured ink, uncured coatings and contaminants which include dirt, soil and grease from parts, products, tools, machinery, equipment, and general work areas using a solvent that contains 2% by weight or more of a regulated air pollutant.

226. "Solvent degreasing unit" means any single container with a capacity of two gallons or more used for solvent degreasing.

227. "Source" means any building, structure, facility or installation that may cause or contribute to air pollution or the use of which may eliminate, reduce or control the emission of air pollution.

228. "Source operator" means an originator, owner or operator, or lessee of an emission source.

229. "Spot painting" means:

a. any spray painting for the purpose of lettering, stenciling, or identifying containers or similar work, or

b. any painting using a spray can, or

c. any spray painting where less than 50% of the total surface area of the object is coated and the total surface area coated is less than 16 square feet.

230. "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

231. "Stack emissions" means emissions which enter the air by passing through a vent, stack, flue, or other similar containing or restrictive device designed or installed for the principle purpose of discharging the effluent.

232. "Stack in existence" means that the owner or operator had either:

- a. Begun, or caused to begin, a continuous program of physical on-site construction of the stack,  
or
- b. Entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

233. "Standard conditions" means a temperature of 293°K (68°F or 20°C) and a pressure of 101.3 kilopascals (29.92 inches Hg or 1013.25 mb).

234. "Start-up" means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.

235. "State" means the state of Arizona unless the context indicates otherwise.

236. "State implementation plan" (SIP) means the plan adopted by the state of Arizona which provides for implementation, maintenance, and enforcement of such primary and secondary ambient air quality standards as are adopted by the Administrator, pursuant to the Act.

237. "Stationary rotating machinery" means any gas engine, diesel engine, gas turbine, or oil fired turbine operated from a stationary mounting and used for the production of electric power or for the direct drive of other equipment.

238. "Stationary source" means any building, structure, facility or installation subject to regulation which emits or may emit any air pollutant.

239. "Submerged fill pipe" means a fill pipe or nozzle which extends below the surface of liquid in the receiving vessel for at least ninety-five percent of the volume filled, or a similar device which extends to within six inches of the bottom of the receiving vessel.

240. "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylated acid, hydrogen sulfide, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized as a means of preventing emissions of sulfur dioxide or other sulfur compounds to the atmosphere.

241. "Supplementary control system" (SCS) means a system by which sulfur dioxide emissions are curtailed during periods when meteorological conditions conducive to ground-level concentrations in excess of ambient air quality standards for sulfur dioxide either exist or are anticipated.

242. "Surplus" means emission reductions not required by current regulations in the SIP; not already relied upon for SIP planning purposes; and not used by the source to meet any other regulatory requirement, including, at the ERC's time of use, RACT, RFP or milestones, or demonstration of attainment.



243. "Temporary source" means a source which is portable, as defined in A.R.S. § 49-401.01(23) and which is not an affected source.

244. "Title V source" means

- a. any major source;
- b. any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources);
- c. any source, including an area source, subject to a standard or other requirement under section 112 of the Act (Hazardous Air Pollutants);
- d. any affected source; and
- e. any source in a source category designated by the Administrator pursuant to 40 CFR 70.

245. "Total reduced sulfur" (TRS) means the sum of the sulfur compounds, primarily hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during the kraft pulping operation and other operations and measured by Method 16 in 40 CFR 60, Appendix A.

246. "Total suspended particulate" (TSP) means all particulate matter as measured by the reference method described in 40 CFR 50, Appendix B, plus any particulate matter from fugitive emissions quantified by methods approved by the control officer.

247. "Unclassified area" means an area which the Administrator, because of a lack of adequate data, is unable to classify as an attainment or nonattainment area for a specific pollutant, and which, for purposes of this Title, is treated as an attainment area.

248. "Uncombined water" means condensed water containing analytical trace amounts of other chemical elements or compounds.

249. "Unpaved road" means a road which is not covered with dust-suppressing materials and maintained in such a manner that visible emissions of dust from the road surface are permanently prevented other than during times of normal cleaning and/or after flooding.

250. "Urban or suburban open area" means an unsubdivided tract of land surrounding a substantial urban development of a residential, industrial, or commercial nature and which, though near or within the limits of a city or town, may be uncultivated, used for agriculture, or lie fallow.

251. "Used Oil" means oil that has been refined from crude oil and that has been contaminated by physical or chemical impurities as a result of use.

252. "Used Oil Fuel" means used oil that is to be burned for energy recovery, including fuel which is produced from used oil by processing, blending or other treatment.

253. "Vacant lot" means a subdivided residential or commercial lot which contains no buildings or structures of a temporary or permanent nature.

254. "Vapor" means the gaseous form of a substance normally occurring in a liquid or solid state.

255. "Vapor pressure" means the pressure exerted by the gaseous form of a substance in equilibrium with its liquid or solid form.

256. "Vapor recovery/disposal system" means a system which consists of one of the following:

a. A system which processes the displaced vapors and either recovers or disposes of the vapors being processed so as to prevent an emission rate greater than 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere.

b. A vapor handling system which directs at least ninety-five percent by weight of the displaced vapors to a vapor capture and/or recovery system.

c. Other equipment of an efficiency equal to or greater than paragraph a or b of this subdivision and approved by the control officer.

257. "Visibility impairment" means any humanly perceptible change in visibility from that which would have existed under natural conditions.

258. "Visible emissions" means any emissions which are visually detectable without the aid of instruments and which contain particulate matter.

259. "Volatile organic compounds (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound other than the following:

- a. Methane;
- b. Ethane;
- c. Methylene chloride (dichloromethane);
- d. 1,1,1-trichloroethane (methyl chloroform);
- e. 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113);
- f. Trichlorofluoromethane (CFC-11);
- g. Dichlorodifluoromethane (CFC-12);
- h. Chlorodifluoromethane (CFC-22);
- i. Trifluoromethane (FC-23);
- j. 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
- k. Chloropentafluoroethane (CFC-115);
- l. 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
- m. 1,1,1,2-tetrafluoroethane (HFC-134a);
- n. 1,1-dichloro 1-fluoroethane (HCFC-141b);
- o. 1-chloro 1,1-difluoroethane (HCFC-142b);
- p. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- q. Pentafluoroethane (HFC-125);
- r. 1,1,2,2-tetrafluoroethane (HFC-134);
- s. 1,1,1-trifluoroethane (HFC-143a);
- t. 1,1-difluoroethane (HFC-152a); and
- u. perfluorocarbon compounds which fall into these classes:
  - (i) Cyclic, branched, or linear, completely fluorinated alkanes;
  - (ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
  - (iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations;

and

(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

260. "Wood waste burner" means an incinerator designed and used exclusively for the burning of wood wastes consisting of wood slabs, scraps, shavings, barks, sawdust or other wood material, including those that generate steam as a by-product. (Ord. 1994-\_\_\_ § \_\_, 1994; Ord. 1993-128 § 1, 1993; Ord. 1991-136 § 2, 1991; Ord. 1990-113 § 1, 1990; Ord. 1989-165 § 9, 1989; Ord. 1987-175 § 1, 1987; Ord. 1986-227 § 1 (part), 1986; Ord. 1983-196 (part), 1981; Ord. 1982-91 (part), 1982; Ord. 1981-12 (part), 1981; Ord. 1979-93 (part), 1979)

Section 3. That chapter 17.04 of the Pima County Code is amended by adding section 17.04.420 to read:

17.04.420 Applicable implementation plan; savings

No rule adopted in this title shall preempt or nullify any applicable requirement or emission standard in an applicable implementation plan unless the control officer revises the applicable implementation plan in conformance with the requirements of 40 CFR Part 51, subpart F, and the Administrator approves the revision. (Ord. 1994-\_\_\_ § \_\_, 1994)

Section 4. That section 17.08.100 of the Pima County Code is amended to read:

17.08.100 Designation and classification of attainment areas.

A. All attainment and unclassified areas or parts thereof shall be classified as either Class I, Class II or Class III.

B. All of the following areas which were in existence on August 7, 1977, shall be Class I areas irrespective of attainment status and shall not be redesignated:

1. International parks.
2. National wilderness areas which exceed 5,000 acres in size.
3. National memorial parks which exceed 5,000 acres in size.
4. National parks which exceed 6,000 acres in size.

C. The following areas shall be designated only as Class I or II:

1. An area which as of August 7, 1977, exceeds 10,000 acres in size and is one of the following:

- a. A national monument.
- b. A national primitive area.
- c. A national preserve.
- d. A national recreational area.
- e. A national wild and scenic river.
- f. A national wildlife refuge.
- g. A national lakeshore or seashore.

2. A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

D. All other areas shall be Class II areas unless redesignated under subsections E or F of this Section.

E. The Governor or the Governor's designee may request that the Administrator redesignate areas of the state as Class I or Class II, provided that the following requirements are fulfilled:

1. At least one public hearing is held in or near the area affected;
2. Other states, Indian governing bodies and Federal Land Managers, whose land may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing.
3. A discussion document of the reasons for the proposed redesignation including a description and analysis of health, environmental, economic, social and energy effects of the proposed redesignation is prepared by the Governor or the Governor's designee. The discussion document shall be made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing shall contain appropriate notification of the availability of such discussion document.
4. Prior to the issuance of notice respecting the redesignation of an area which includes any Federal lands, the Governor or the Governor's designee has provided written notice to the appropriate Federal Land Manager and afforded the Federal Land Manager adequate opportunity, not in excess of 60 days, to confer with the state respecting the redesignation and to submit written comments and recommendations. The Governor or the Governor's designee shall publish a list of any inconsistency between such redesignation and such recommendations, together with the reasons for making such redesignation against the recommendation of the Federal Land Manager, if any Federal Land Manager has submitted written comments and recommendations.

5. The redesignation is proposed after consultation with the elected leadership of local governments in the area covered by the proposed redesignation.

6. The redesignation is submitted to the Administrator as a revision to the SIP.

F. The Governor or the Governor's designee may request that the Administrator redesignate areas of the state as Class III if all of the following criteria are met:

1. Such redesignation meets the requirements of subsection E of this Section.
2. Such redesignation has been approved after consultation with the appropriate committee of the legislature if it is in session or with the leadership of the legislature if it is not in session.
3. The general purpose units of local government representing a majority of the residents of the area to be redesignated concur in the redesignation.
4. Such redesignation shall not cause, or contribute to, concentration of any air pollutant which exceeds any maximum allowable increase or maximum allowable concentration permitted under the classification of any area.
5. For any new major source or a major modification of such source which may be permitted to be constructed and operated only if the area in question is redesignated as Class III, any permit application or related materials shall be made available for public inspection prior to a public hearing.

6. The redesignation is submitted to the Administrator as a revision to the SIP.

G. A redesignation shall not be effective until approved by the Administrator as part of an applicable implementation plan.

H. Lands within the exterior boundaries of Indian reservations may be redesignated only by the appropriate Indian governing body. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 2 (part), 1993)

**Section 5. That section 17.12.050 of the Pima County Code is amended to read:**

**17.12.050 Performance tests.**

A. Sources required to conduct performance tests pursuant to this Title shall do so within 60 days after the source has achieved the capability to operate at its maximum production rate on a sustained basis but no later than 180 days after initial start-up of such source and at such other times as may be required by the control officer, the owner or operator of such source shall conduct performance tests and furnish the control officer a written report of the results of the tests.

B. Performance tests shall be conducted and data reduced in accordance with the test method and procedures contained in the Arizona Testing Manual unless the control officer:

1. Specifies or approves, in specific cases, the use of a reference method with minor changes in methodology,

2. Approves the use of an equivalent method,

3. Approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, or

4. Waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the control officer's satisfaction that the source is in compliance with the standard.

5. Nothing in this Section shall be construed to abrogate the control officer's authority to require testing.

C. Performance tests shall be conducted under such conditions as the control officer shall specify to the plant operator based on representative performance of the source. The owner or operator shall make available to the control officer such records as may be necessary to determine the conditions of the performance tests. Operations during periods of start-up, shutdown, and malfunction shall not constitute representative conditions of performance tests unless otherwise specified in the applicable standard.

D. The owner or operator of a permitted source shall provide the control officer two weeks prior notice of the performance test to afford the control officer the opportunity to have an observer present.

E. The owner or operator of a permitted source shall provide, or cause to be provided, performance testing facilities as follows:

1. Sampling ports adequate for test methods applicable to such facility.
2. Safe sampling platform(s).
3. Safe access to sampling platform(s).
4. Utilities for sampling and testing equipment.

F. Each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs is required to be discontinued because

of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the control officer's approval, be determined using the arithmetic means of the results of the two other runs. If the control officer, or the control officer's designee, is present, tests may only be stopped with the control officer's, or such designee's, approval. If the control officer, or the control officer's designee, is not present, tests may only be stopped for good cause, which includes forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the operator's control. Termination of testing without good cause after the first run is commenced shall constitute a failure of the test.

G. Except as provided in Subsection (H), compliance with the emission limits established in this ~~Chapter title~~ or as prescribed in permits issued pursuant to this title shall be determined by the performance tests specified in this Section or in the permit.

H. In addition to performance tests specified in this Section, compliance with specific emission limits may be determined by:

1. Opacity tests.
2. Emission limit compliance tests specifically designated as such in the regulation establishing the emission limit to be complied with.
3. Continuous emission monitoring, where applicable quality assurance procedures are followed and where it is designated in the permit or in an applicable requirement to show compliance.

I. Nothing in this Section shall be so construed as to prevent the utilization of measurements from emissions monitoring devices or techniques not designated as performance tests as evidence of compliance with applicable good maintenance and operating requirements. (Ord. 1994-\_\_\_ § \_\_, 1994; Ord. 1993-128 § 3 (part), 1993)

Section 6. That section 17.12.060 of the Pima County Code is amended to read:

17.12.060 Existing source emission monitoring.

A. Every source subject to an existing source performance standard as specified in this ~~Chapter title~~ shall install, calibrate, operate, and maintain all monitoring equipment necessary for continuously monitoring the pollutants and other gases specified in this Section for the applicable source category.

1. Applicability.
  - a. Fossil fuel-fired steam generators as specified in subdivision 1 of subsection C of this Section, shall be monitored for opacity, nitrogen oxides emissions, sulfur dioxide emissions, and oxygen or carbon dioxide.
  - b. Fluid bed catalytic cracking unit catalyst regenerators, as specified in subdivision 4 of subsection C of this Section, shall be monitored for opacity.
  - c. Sulfuric acid plants, as specified in subdivision 3 of subsection C of this Section, shall be monitored for sulfur dioxide emissions.
  - d. Nitric acid plants, as specified in subdivision 2 of subsection C of this Section, shall be monitored for nitrogen oxides emissions.

2. Exemptions.

- a. Emission monitoring shall not be required when the source of emissions is not operating.

3. Variations.

a. Unless otherwise prohibited by the Act, the control officer may approve, on a case-by-case basis, alternative monitoring requirements different from the provisions of this Section if the installation of a continuous emission monitoring system cannot be implemented by a source due to physical plant limitations or extreme economic reasons. Alternative monitoring procedures shall be specified by the control officer on a case-by-case basis and shall include as a minimum, annual manual stack tests for the pollutants identified for each type of source in this Section.

b. Alternative monitoring requirements may be prescribed when installation of a continuous monitoring system or monitoring device specified by this Section would not provide accurate determinations of emissions (e.g., condensed, uncombined water vapor may prevent an accurate determination of opacity using commercially available continuous monitoring systems).

c. Alternative monitoring requirements may be prescribed when the affected facility is infrequently operated (e.g., some affected facilities may operate less than one month per year).

4. Monitoring system malfunction: A temporary exemption from the monitoring and reporting requirements of this Section may be provided during any period of monitoring system malfunction, provided that the source owner or operator demonstrates that the malfunction was unavoidable and is being repaired expeditiously.

B. Installation and performance testing required under this Section shall be completed and monitoring and recording shall commence within 18 months of the effective date of this Section.

C. Minimum monitoring requirements:

1. Fossil-fuel fired steam generators: Each fossil-fuel fired steam generator, except as provided in the following paragraphs, with an annual average capacity factor of greater than 30 percent, as reported to the Federal Power Commission for calendar year 1976, or as otherwise demonstrated to the Department by the owner or operator, shall conform with the following monitoring requirements when such facility is subject to an emission standard for the pollutant in question.

a. A continuous monitoring system for the measurement of opacity which meets the performance specifications of this Section shall be installed, calibrated, maintained, and operated in accordance with the procedures of this Section by the owner or operator of any such steam generator of greater than 250 million Btu per hour heat input except where:

(i) Gaseous fuel is the only fuel burned, or

(ii) Oil or a mixture of gas and oil are the only fuels burned and the source is able to comply with the applicable particulate matter and opacity rules without utilization of particulate matter collection equipment, and where the source has never been found to be in violation through any administrative or judicial proceedings, or accepted responsibility for any violation of any visible emission standard.

b. A continuous monitoring system for the measurement of sulfur dioxide which meets the performance specifications of this Section shall be installed, calibrated, using sulfur dioxide calibration gas mixtures or

other gas mixtures approved by the control officer, maintained and operated on any fossil-fuel fired steam generator of greater than 250 million Btu per hour heat input which has installed sulfur dioxide pollutant control equipment.

c. A continuous monitoring system for the measurement of nitrogen oxides which meets the performance specification of this Section shall be installed, calibrated, using nitric oxide calibration gas mixtures or other gas mixtures approved by the control officer, maintained and operated on fossil-fuel fired steam generators of greater than 1000 million Btu per hour heat input when such facility is located in an air quality control region where the control officer has specifically determined that a control strategy for nitrogen dioxide is necessary to attain the ambient air quality standard specified in 17.08.060, unless the source owner or operator demonstrates during source compliance tests as required by the Department that such a source emits nitrogen oxides at levels 30 percent or more below the emission standard within this title.

d. A continuous monitoring system for the measurement of the percent oxygen or carbon dioxide which meets the performance specifications of this Section shall be installed, calibrated, operated, and maintained on fossil-fuel fired steam generators where measurements of oxygen or carbon dioxide in the flue gas are required to convert either sulfur dioxide or nitrogen oxides continuous emission monitoring data, or both, to units of the emission standard within this title.

2. Nitric acid plants: Each nitric acid plant of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid located in an air quality control region where the control officer has specifically determined that a control strategy for nitrogen dioxide is necessary to attain the ambient air quality standard specified in Chapter 17.08, Article I, shall install, calibrate, using nitrogen dioxide calibration gas mixtures, maintain, and operate a continuous monitoring system for the measurement of nitrogen oxides which meets the performance specifications of this Section for each nitric acid producing facility within such plant.

3. Sulfuric acid plants: Each sulfuric acid plant as defined in ~~Chapter 17.04, Article IX~~ section 17.04.340, of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall install, calibrate, using sulfur dioxide calibration gas mixtures or other gas mixtures approved by the control officer, maintain and operate a continuous monitoring system for the measurement of sulfur dioxide which meets the performance specifications of this Section for each sulfuric acid producing facility within such a plant.

4. Fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries: Each catalyst regenerator for fluid bed catalytic cracking units of greater than 20,000 barrels per day fresh feed capacity shall install, calibrate, maintain and operate a continuous monitoring system for the measurement of opacity which meets the performance specifications of this Section for each regenerator within such refinery.

D. Minimum specifications: Owners or operators of monitoring equipment installed to comply with this Section shall demonstrate compliance with the following performance specifications.

1. The performance specifications set forth in Appendix B of 40 CFR 60 are incorporated herein by reference, and shall be used by the control officer to determine acceptability of monitoring equipment installed pursuant to this Section. However where reference is made to the Administrator in Appendix B of 40 CFR 60, the control officer may allow the use of either the state approved reference method or the federally approved reference method as published in 40 CFR 60. The performance specifications to be used with each type of monitoring system are listed below.

a. Continuous monitoring systems for measuring opacity shall comply with performance specification 1.

b. Continuous monitoring systems for measuring nitrogen oxides shall comply with performance specification 2.



c. Continuous monitoring systems for measuring sulfur dioxide shall comply with performance specification 2.

d. Continuous monitoring systems for measuring oxygen shall comply with performance specification 3.

e. Continuous monitoring systems for measuring carbon dioxide shall comply with performance specification 3.

2. Calibration gases: Span and zero gases should be traceable to National Bureau of Standards reference gases whenever these reference gases are available. Every six months from date of manufacture, span and zero gases shall be reanalyzed by conducting triplicate analyses using the reference methods in Appendix A. Part 60, (Chapter 1, Title 40, CFR as amended: For sulfur dioxide, use Reference Method 6; for nitrogen oxides, use Reference method 7; and for carbon dioxide or oxygen, use Reference Method 3). The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.

3. Cycling time: Time includes the total time required to sample, analyze and record an emission measurement.

a. Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of sampling and analyzing for each successive six-minute period.

b. Continuous monitoring systems for measuring oxides of nitrogen, carbon dioxide, oxygen, or sulfur dioxide shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

4. Monitor location: All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions of process parameter (i.e., oxygen, or carbon dioxide) from the affected facility are obtained. Additional guidance for location of continuous monitoring systems to obtain representative samples are contained in the applicable performance specifications of Appendix B of 40 CFR 60.

5. Combined effluents: When the effluents from two or more affected facilities of similar design and operating characteristics are combined before being released to the atmosphere through more than one point, separate monitors shall be installed.

6. Zero and drift: Owners or operators of all continuous monitoring systems installed in accordance with the requirements of this Section shall record the zero and span drift in accordance with the method prescribed by the manufacturer's recommended zero and span check at least once daily, using calibration gases specified in subsection C of this section as applicable, unless the manufacturer has recommended adjustments at shorter intervals, in which case such recommendations shall be followed; shall adjust the zero span whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in Appendix B of Part 60, Chapter 1, Title 40 CFR are exceeded.

7. Span: Instrument span should be approximately 200 percent of the expected instrument data display output corresponding to the emission standard for the source.

E. Minimum data requirement.

The following paragraphs set forth the minimum data reporting requirements for sources employing continuous monitoring equipment as specified in this Section. These periodic reports do not relieve the source operator from the reporting requirements of 17.12.180.

1. The owners or operators of facilities required to install continuous monitoring systems shall submit to the control officer a written report of excess emissions for each calendar quarter and the nature and cause of the excess emissions, if known. The averaging period used for data reporting shall correspond to the averaging period specified in the emission standard for the pollutant source category in question. The required report shall include, as a minimum, the data stipulated in this subsection.

2. For opacity measurements, the summary shall consist of the magnitude in actual percent opacity of all six-minute opacity averages greater than any applicable standards for each hour of operation of the facility. Average values may be obtained by integration over the averaging period or by arithmetically averaging a minimum of four equally spaced, instantaneous opacity measurements per minute. Any time periods exempted shall be deleted before determining any averages in excess of opacity standards.

3. For gaseous measurements the summary shall consist of emission averages in the units of the applicable standard for each averaging period during which the applicable standard was exceeded.

4. The date and time identifying each period during which the continuous monitoring system was inoperative, except for zero and span checks and the nature of system repair or adjustment shall be reported. The control officer may require proof of continuous monitoring system performance whenever system repairs or adjustments have been made.

5. When no excess emissions have occurred and the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be included in the report.

6. Owners or operators of affected facilities shall maintain a file of all information reported in the quarterly summaries, and all other data collected either by the continuous monitoring system or as necessary to convert monitoring data to the units of the applicable standard for a minimum of two years from the date of collection of such data or submission of such summaries.

F. Data reduction: Owners or operators of affected facilities shall use the following procedures for converting monitoring data to units of the standard where necessary.

1. For fossil-fuel fired steam generators the following procedures shall be used to convert gaseous emission monitoring data in parts per million to g/million cal (lb/million Btu) where necessary.

a. When the owner or operator of a fossil-fuel fired steam generator elects under paragraph d of subdivision 1 of subsection C of this section to measure oxygen in the flue gases, the measurements of the pollutant concentration and oxygen concentration shall each be on a consistent basis (wet or dry).

(i) When measurements are on a wet basis, except where wet scrubbers are employed or where moisture is otherwise added to stack gases, the following conversion procedure shall be used:

$$E_D = C_{WS} F_H \frac{20.9}{20.9 (1 - E_{wa}) - \% O_{2ws}}$$

(ii) When measurements are on a wet basis and the water vapor content of the stack gas is determined at least once every fifteen minutes the following conversion procedure shall be used:

$$E_Q = C_{ws} F \frac{20.9}{20.9 (1 - B_{ws}) - \%O_{2ws}}$$

Note: Use of this equation is contingent upon demonstrating the ability to accurately determine B(ws) such that any absolute error in B(ws) will not cause an error of more than  $\pm 1.5$  percent in the term.

$$\frac{20.9}{20.9 (1 - B_{ws}) - \%O_{2ws}}$$

(iii) When measurements are on a dry basis, the following conversion procedure shall be used:

$$E_Q = CF \frac{20.9}{20.9 - \%O_{2ws}}$$

b. When the owner or operator elects under C.1.d. of this Section to measure carbon dioxide in the flue gases, the measurement of the pollutant concentration and the carbon dioxide concentration shall each be on a consistent basis (wet or dry) and the following conversion procedure used;

$$E_Q = CF C \frac{100}{\%CO_2}$$

c. The values used in the equations under F.1. of this section are derived as follows:

$E_Q$  = pollutant emission, g/million cal (lb/million Btu)

$C$  = pollutant concentration, g/dscm (lb/dscf), determined by multiplying the average concentration (ppm) for each hourly period by  $4.16 \times 10^{-5}$  M g/dscm per ppm ( $2.64 \times 10^{-9}$  M lb/dscf per ppm) where  $M$  = pollutant molecular weight, g/g-mole (lb/lb-mole),  $M = 64$  for sulfur dioxide and 46 for oxides of nitrogen.

$C_{ws}$  = pollutant concentrations at stack conditions, g/wscm (lb/wscf), determined by multiplying the average concentration (ppm) for each one-hour period by  $4.15 \times 10^{-5}$  M lb/wscm per ppm ( $2.59 \times 10^{-5}$  M lb/wscf per ppm) where  $M$  = pollutant molecular weight, g/g mole (lb/lb mole).  $M = 64$  for sulfur dioxide and 46 for nitrogen oxides.

$\%O_2$ ,  $\%CO_2$  = Oxygen or carbon dioxide volume (expressed as percent) determined with equipment specified under D.1.d. of this Section.

$F$ ,  $F_c$  = A factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted ( $F$ ), a factor representing a ratio of the volume of carbon dioxide generated to the calorific value of the fuel combusted ( $F_c$ ), respectively. Values of  $F$  and  $F_c$  are given in § 60.45(f) of Part 60, Chapter 1, Title 40, Code of Federal Regulations.

$F_w$  = A factor representing a ratio of the volume of wet flue gases generated to the caloric value of the fuel combusted. Values of  $F_w$  are given in Reference Method 19 of the Arizona Testing Manual.

$B_{wa}$  = Proportion by volume of water vapor in the ambient air. Approval may be given for determination of  $B_{wa}$  by on-site instrumental measurement provided that the absolute accuracy of the measurement technique can be demonstrated to be within  $\pm 0.7$  percent water vapor. Estimation methods for  $B_{wa}$  are given in Reference Method 19 of the Arizona Testing Manual.

$B_{ws}$  = Proportion by volume of water vapor in the stack gas.

2. For sulfuric acid plants as defined in section 17.04.340, the owner or operator shall:

a. Establish a conversion factor three times daily according to the procedures of § 60.84(b) of Chapter 1, Title 40, Code of Federal Regulations;

b. Multiply the conversion factor by the average sulfur dioxide concentration in the flue gases to obtain average sulfur dioxide emissions in Kg/metric ton (lb/short ton); and

c. Report the average sulfur dioxide emission for each averaging period in excess of the applicable emission standard in the quarterly summary.

3. For nitric acid plants the owner or operator shall:

a. Establish a conversion factor according to the procedures of § 60.73(b) of Chapter 1, Title 40, Code of Federal Regulations;

b. Multiply the conversion factor by the average nitrogen oxides concentration in the flue gases to obtain the nitrogen oxides emissions in the units of the applicable standard;

c. Report the average nitrogen oxides emission for each averaging period in excess of applicable emission standard in the quarterly summary.

4. The control officer may allow data reporting or reduction procedures varying from those set forth in this Section if the owner or operator of a source shows to the satisfaction of the control officer that his procedures are at least as accurate as those in this Section. Such procedures may include but are not limited to the following:

a. Alternative procedures for computing emission averages that do not require integration of data (e.g., some facilities may demonstrate that the variability of their emissions is sufficiently small to allow accurate reduction of data based upon computing averages from equally spaced data points over the averaging period).

b. Alternative methods of converting pollutant concentration measurements to the units of the emission standards. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 7. That section 17.12.070 of the Pima County Code is amended to read:**

**17.12.070 Quality assurance.**

Facilities subject to permit requirements for sampling, testing, or analysis, or as otherwise required by the control officer, shall submit a quality assurance plan to the control officer that meets the requirements of 17.12.040 within twelve months of the effective date of this section. Facilities subject to the requirements of 17.12.060 shall submit a quality assurance plan as specified in the permit. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 8. That section 17.12.080 of the Pima County Code is amended to read:**

**17.12.080 Permit display or posting.**

A. Any person who has been granted an individual permit by PDEQ or a general permit by ADEQ shall post such permit, or a certificate of permit issuance on location where the equipment is installed in such a manner as to be clearly visible and accessible. All equipment covered by the permit shall be clearly marked with one of the following:

1. The current permit number.

2. A serial number or other equipment number that is also listed in the permit to identify that piece of equipment.

B. In the event that such machine, equipment, incinerator, device or other article is so constructed or operated that such permit cannot be so placed, the permit shall be mounted so as to be clearly visible in an accessible place within a reasonable distance of such machine, equipment, incinerator, device or other article, or maintained readily available at all times on the operating premises.

C. A copy of the complete permit shall be kept on site. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993: Ord. 1989-165 § 15, 1989: Ord. 1979-93 (part), 1979)

**Section 9. That chapter 17.12 of the Pima County Code is amended by adding section 17.12.085 to read:**

**17.12.085 Notice by building permit agencies**

All agencies of the county that issue or grant building permits or approvals shall examine the plans and specifications submitted by an applicant for a permit or approval to determine if an air pollution permit will possibly be required under the provisions of this title. If it appears that an air pollution permit will be required, the agency or political subdivision shall give written notice to the applicant to contact the control officer and shall furnish a copy of that notice to the control officer. (Ord. 1994-\_\_\_ § \_\_, 1994)

**Section 10. That section 17.12.090 of the Pima County Code is amended to read:**

**17.12.090 (Reserved) (Ord. 1994-\_\_\_ § \_\_, 1994)**

**Section 11. That section 17.12.140 of the Pima County Code is amended to read:**

**17.12.140 Applicability; classes of permits.**

A. Except as otherwise provided in this article, no person shall commence construction of, operate, or make a modification to any source subject to regulation under this Article, without first obtaining a permit or permit revision from the control officer and without complying with all conditions of the permit.

B. There shall be two classes of permits as follows:

1. A Class I permit shall be required for a person to commence construction of or operate any of the following:

- a. Any major source.
- b. Solid waste incineration units required to obtain a permit pursuant to section 129 (e) of the Act (Solid Waste Combustion).
- c. An affected source.
- d. Any source in a source category designated by the Administrator pursuant to 40 CFR 70.3 and adopted by the control officer.

2. Unless a Class I permit is required, a Class II permit shall be required for:

- a. A person to commence construction of or modify either of the following:

- (i) A source that emits with controls, or has the potential to emit with controls, ten (10) tons per year or more of any hazardous air pollutant listed under A.R.S. § 49-426.04 (A)(1) or chapter 17.16, article IX or twenty-five (25) tons per year of any combination of hazardous air pollutants.

- (ii) A source that is within a category designated pursuant to A.R.S. 49-426.05 and that emits, or has the potential to emit, with controls one (1) ton per year or more of a hazardous air pollutant or two and one-half (2 1/2) tons per year of any combination of hazardous air pollutants.

- b. A person to commence construction of or operate any of the following:

- (i) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources).

- (ii) Any source, including an area source, subject to a standard or other requirement under section 112 of the Act (Hazardous Air Pollutants), except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the Act (Hazardous Air Pollutants).

- (iii) Any source that emits, without controls, regulated air pollutants not defined as de minimis in 17.04.340 or otherwise exempted herein.

- c. A person to make a modification to a source which would cause it to emit, or have the potential to emit, quantities of regulated air pollutants greater than those specified in items i and ii of paragraph a and item iii of paragraph b of this subdivision.

C. Notwithstanding subsections A and B of this Section, the following sources shall not require a permit unless the source is a major source, or unless operation without a permit would result in a violation of the Act:

- 1. Sources subject to 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.

- 2. Sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR 61.145.

- 3. Agricultural equipment used in normal farm operations. "Agricultural equipment used in normal farm operations" does not include equipment that would be classified as a source that would require a permit under Title V

of the Act (Permits), or would be subject to a standard under 40 CFR parts 60 or 61. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 12. That section 17.12.150 of the Pima County Code is amended to read:**

**17.12.150 Transition from installation and operating permit program to unitary permit program.**

A. An installation or operating permit issued by the control officer before the effective date of this title, and the authority to operate as provided in Laws 1992, Chapter 299, Section 65, continues in effect until either of the following occurs:

1. The installation or operating permit is terminated by the control officer;
2. The control officer issues or denies a Class I or Class II permit to the source.

B. Unless otherwise required by 17.12.160.C.3. of this Chapter, all sources holding valid installation or operating permits issued by the control officer and that are in existence on the date these rules become effective and requiring Class I permits or Class II permits which are subject to the requirements of Title V of the Act (Permits), shall submit permit applications within 180 days of receipt of written notice from the control officer that an application is required, but in no case may the application be submitted any later than 12 months after the Title V permits program is approved by the Administrator.

C. All sources that are in existence on the date these rules become effective holding valid installation or operating permits issued by the control officer and requiring Class II permits that are not subject to the requirements of Title V of the Act (Permits), shall submit permit applications to the control officer within ~~120~~ 180 days of receipt of written notice from the control officer that an application is required.

D. Any source requiring a class I or class II operating permit in existence on the date these rules become effective that holds a valid installation or operating permits issued by the control officer, which has not yet applied for a Class I or II permit pursuant to this Title or which has not yet received a notice from the control officer stating that an application is required, that wishes to make any modification, administrative permit revision or minor permit revision shall be required to apply for the applicable Class I or Class II permit for the entire source within ~~120~~ 180 days after applying for the proposed modification or revision. If the source has received a notice from the control officer stating that a Class I or II permit application is required, the source shall comply with the application due date for the entire facility as required by the notice. The control officer shall review the applications for both the modification or revision and the Class I or Class II permit in accordance with the provisions of this Title. In the case of a minor permit revision, the source may commence the proposed change immediately after filing the application pursuant to subsection F or section 17.12.250.

E. Any source in existence on the date these rules become effective holding valid installation or operating permits issued by the control officer, which have not yet applied for a Class I or Class II permit, that wishes to make a significant permit revision shall be required to apply for the applicable Class I or Class II permit for the entire source including the proposed modification. The control officer shall review the application in accordance with the provisions of this title.

F. For sources in existence on the date these rules become effective holding valid installation or operating permits issued by the control officer, the control officer may establish a phased schedule for acting on permit applications received within the first full year after the source becomes subject to obtaining Class I or II permits under this Title. The schedule shall assure that at least one-third of such applications will be acted on annually over a period not to exceed 3 years after such effective date. Based on this schedule the control officer shall approve or disapprove a completed application for

a Class I or II permit consistent with the procedures established under this Chapter, and issue or deny the applicable permit within 18 months after the receipt of the application.

G. Sources in existence on the date these rules become effective not holding valid operating or installation permits, and have not applied for a Class I or II permit pursuant to this Title, shall submit applications for the applicable Class I or II permit to the control officer within the following time frames:

1. For sources requiring Class I or II permits subject to the provisions of Title V of the Act (Permits), within 180 days of receipt of written notice from the control officer that an application is required, but in no case any later than 12 months after the source becomes subject to obtaining Title V permits pursuant to this Title;

2. For sources requiring Class II permits not subject to the provisions of Title V of the Act (Permits), within 180 days of receipt of written notice from the control officer that an application is required.

3. For purposes of this subsection written notice shall include, but not be limited to, a written warning, notice of violation, or order issued by the control officer for constructing or operating an emission source without a permit. Such a source shall be considered to be in violation of this Title on each day of operation or each day during which construction continues, until a permit is granted.

H. Sources not in existence prior to the effective date of this Title shall first obtain the applicable Class I or II permit before commencing construction of the source.

I. Any application for an operating permit or an installation permit that is determined to be complete prior to the effective date of these rules but for which no permit has been issued shall be considered complete for the purposes of this Section. In issuing a permit pursuant to such an application, the control officer shall include in the permit all elements addressed in the application and a schedule of compliance for submitting an application for a permit revision to address the elements required to be in the permit that were not included in the operating permit or installation permit application. No later than 6 months after the effective date of these rules, the control officer shall take final action on an operating permit application or an installation permit application determined to be complete prior to the effective date of these rules.

J. Unless otherwise provided, 17.12.230 through 17.12.290 shall apply to sources with permits issued before the effective date of this section. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 13. That section 17.12.160 of the Pima County Code is amended to read:**

**17.12.160 Permit application processing procedures.**

A. Unless otherwise noted, this Section applies to each source requiring a Class I or II permit or permit revision.

B. **Standard Application Form and Required Information.** To apply for any permit in this Chapter, applicants shall complete the "Standard Permit Application Form" and supply all information required by the "Filing Instructions" as shown in Title 18, Chapter 2, Appendix 1 of the A.A.C. The control officer, either upon the control officer's own initiative or on the request of a permit applicant, may waive a requirement that specific information or data be submitted in the application for a Class II, permit for a particular source if the control officer determines that the information or data would be unnecessary to determine the following:

1. The applicable requirements to which the source may be subject.



2. That the source is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of A.R.S. Title 49, Chapter 3, Article 3 and this title

3. The fees to which the source may be subject.

C. Unless otherwise required by 17.12.150.B. through F., a timely application is:

1. For a source, other than a major source, applying for a permit for the first time, one that is submitted within 12 months after the source becomes subject to the permit program.

2. For purposes of permit renewal, a timely application is one that is submitted at least 6 months, but not greater than 18 months prior to the date of permit expiration.

3. For initial phase II acid rain permits under Title IV of the Act, one that is submitted to the control officer by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.

4. Any existing source which becomes subject to a standard promulgated by the Administrator pursuant to section 112(d) of the Act (Hazardous Air Pollutants) shall, within twelve months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.

D. If an applicable implementation plan allows the determination of an alternate emission limit, a source may, in its application, propose an emission limit that is equivalent to the emission limit otherwise applicable to the source under the applicable implementation plan. The source shall also demonstrate that the equivalent limit is quantifiable, accountable, enforceable and subject to replicable compliance determination procedures.

E. A complete application is one that satisfies all of the following:

1. To be complete, an application shall provide all information required pursuant to subsection B. of this Section (standard application form section), except that applications for permit revision need supply such information only if it is related to the proposed change. A responsible official shall certify the submitted information consistent with subsection H. of this section (section on certification of truth, accuracy, and completeness).

2. An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Chapter 17.16, Article VIII. If the applicant determines that the proposed new source is a major source as defined in section 17.04.340, or the proposed permit revision constitutes a major modification as defined in section 17.04.340, then the application shall comply with all applicable requirements of Chapter 17.16, Article VIII.

3. An application for a new permit or a permit revision shall contain an assessment of the applicability of the requirements established pursuant to A.R.S. 49-426.03 and 426.06. If the applicant determines that the proposed new source permit or permit revision is subject to the requirements of A.R.S. 49-426.03 or 49-426.06, the application shall comply with all applicable requirements promulgated under those sections.

4. Except for proposed new major sources or major modifications subject to the requirements of Chapter 17.16, Article VIII, an application for a new permit, a permit revision, or a permit renewal shall be deemed to be complete unless within 60 days of receipt of the application, the control officer notifies the applicant by certified mail that the application is not complete.

5. If, while processing an application that has been determined or deemed to be complete, the control officer determines that additional information is necessary to evaluate or take final action on that application, the control officer may request such information in writing, delivered by certified mail and set a reasonable deadline for a response. Except for minor permit revisions as set forth in 17.12.250, a source's ability to operate without a permit, as set forth in this Article, shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the control officer. If the control officer notifies an applicant that the application is not complete under subdivision 3 of this subsection, the application may not be deemed automatically complete until an additional 60 days after the next submittal by the applicant. The control officer may, after one submittal by the applicant pursuant to this subdivision, reject an application that is determined to be still incomplete and shall notify the applicant of the decision by certified mail. After a rejection under this subdivision, the control officer may deny or revoke an existing permit, as applicable.

6. The completeness determination shall not apply to revisions processed through the minor permit revision process.

7. Activities which are insignificant shall be listed in the application. The application need not provide emissions data regarding insignificant activities. For purposes of this subdivision, insignificant activities shall include the following:

- a. landscaping;
- b. building maintenance;
- c. janitorial activities;
- d. manually operated equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of ceramic art work, precision parts, leather, metals, plastics, fiber board, masonry, carbon, glass or wood;
- e. use of consumer office products;
- f. any activity in an emission unit that has aggregated emissions less than 2.4 lbs. per operating day of total VOCs determined as an annual average or 5.5 lbs. per operating day of any other regulated air pollutant determined as an annual average; and
- g. any other activity which the Control Officer determines is not necessary, because of its emissions due to size or production rate, to be included in an application in order to determine all applicable requirements and to calculate any fee under this title.

If the control officer determines that an activity listed as insignificant is not insignificant, the control officer shall notify the applicant in writing and specify additional information required. No activity may be considered insignificant if the activity triggers any applicable requirement or if the emissions from the activity exceed 11 lbs per operating day of a regulated air pollutant or 2.4 lbs per operating day of HAPs.

8. If a permit applicant requests terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements, the permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable.

F. A source applying for a Title V permit that has submitted information with an application under a claim of confidentiality pursuant to A.R.S. § 49-432 and 17.12.170 shall submit a copy of such information directly to the Administrator.

G. Duty to Supplement or Correct Application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.

H. Certification of Truth, Accuracy, and Completeness. Any application form, report, or compliance certification submitted pursuant to this Title shall contain certification by a responsible official of truth accuracy, and completeness. This certification and any other certification required under this title shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

I. Action on Application.

1. The control officer shall issue or deny each permit according to the provisions of A.R.S. 49-481. The control officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.

2. In addition, a permit may be issued, revised, or renewed only if all of the following conditions have been met:

a. The application received by the control officer for a permit, permit revision, or permit renewal shall be complete according to subsection E of this Section.

b. Except for revisions qualifying as administrative or minor under 17.12.240 and 17.12.250, all of the requirements for public notice and participation under 17.12.340 shall have been met.

c. For Title V permits, the control officer shall have complied with the requirements of 17.12.190 for notifying and responding to affected States, and if applicable, other notification requirements of 17.16.550.D.2. and 17.16.630.C.2.

d. For Class I and II permits, the conditions of the permit shall require compliance with all applicable requirements.

e. For permits for which an application is required to be submitted to the Administrator under 17.12.190.A and to which the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from PDEQ, the control officer has revised and submitted a proposed final permit in response to the objection and EPA has not objected to this proposed final permit.

f. For permits to which the Administrator has objected to issuance pursuant to a petition filed under 40 CFR 70.8(d), the Administrator's objection has been resolved.

3. The control officer may issue a notice of termination of a permit issued pursuant to this Chapter if:

a. The control officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.

b. The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.

c. The terms and conditions of the permit have been or are being violated.

4. If the control officer issues a notice of denial or termination of a permit under this Section, the notice shall be served on the applicant or permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the denial or revocation and a statement that the permit applicant or permittee is entitled to a hearing.

5. The control officer shall provide a statement that sets forth the legal and factual basis for the proposed permit conditions including references to the applicable statutory or regulatory provisions. The control officer shall send this statement to the Administrator in the case of Title V permits, and to any other person who requests it.

6. Except as provided in 40 CFR 70.4(b)(11), 17.12.150 and 17.16.550, regulations promulgated under Title IV or V of the Act (Acid Deposition Control or Permits), or the permitting of affected sources under the acid rain program, the control officer shall take final action on each permit application (and request for revision or renewal) as follows:

a. For sources permitted only for petroleum liquid storage vessels that do not exceed a 40,000 gallon capacity, within six months after receiving a complete application;

b. For sources permitted only for natural gas burning equipment, within six months after receiving a complete application;

c. For sources permitted only for asphalt kettles, within six months after receiving a complete application;

d. For sources permitted only for surface coating operations where solvent usage is less than 5 gallons per average operating day, within six months after receiving a complete application;

e. For sources other than those listed above that use only one type of equipment listed in Table 17.12.550B, within nine months after receiving a complete application;

f. For all other sources, within 18 months after receiving a complete application.

7. Priority shall be given by the control officer to taking action on applications for construction or modification submitted pursuant to Title I, Parts C and D of the Act (Prevention of Significant Deterioration and Nonattainment Areas).

8. A proposed permit decision shall be published within 9 months of receipt of a complete application and any additional information requested pursuant to subdivision (E)(5) of this Section to process the application. The control officer shall provide notice of the decision as provided in 17.12.340 and any public hearing shall be scheduled as expeditiously as possible.

J. Requirement for a Permit. Except as noted under the provisions in 17.12.230 and 17.12.250, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a properly issued permit. However, if a source submits a timely and complete application for permit issuance, revision or renewal, the source's failure to have a permit is not a violation of this Article until the control officer takes final action on the

application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the control officer, any additional information identified as being needed to process the application. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 14. That section 17.12.170 of the Pima County Code is amended to read:**

**17.12.170 Public records; confidentiality.**

A. The control officer shall make all permits, including all elements required to be in the permit pursuant to 17.12.180, available to the public. No permit shall be issued unless the information required by 17.12.180 is present in the permit.

B. Any records, reports or information obtained from any person under this title, including records, reports or information obtained or prepared by the control officer or a county employee, shall be available to the public, except that the information or any part of the information shall be considered confidential on either of the following:

1. A showing, satisfactory to the control officer, by any person that the information or a part of the information if made public would divulge the trade secrets of the person.

2. A determination by the county attorney that disclosure of the information or a particular part of the information would be detrimental to an ongoing criminal investigation or to an ongoing or contemplated civil enforcement action under this chapter in superior court.

C. Notwithstanding subsection B of this section, the following information shall be available to the public:

1. The name and address of any permit applicant or permittee.

2. The chemical constituents, concentrations and amounts of any emission of any air contaminant.

3. The existence or level of a concentration of an air pollutant in the environment. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 15. That section 17.12.180 of the Pima County Code is amended to read:**

**17.12.180 Permit contents.**

A. Each permit issued shall include the following elements:

1. The date of issuance and the permit term.

2. Enforceable emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of issuance.

a. The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

b. The permit shall state that, where an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.

c. Any permit containing an equivalency demonstration for an alternative emission limit submitted pursuant to 17.12.160.D shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

d. The permit shall specify applicable requirements for fugitive emission limitations, regardless of whether the source category in question is included in the list of sources contained in the definition of major source in section 17.04.340.

3. Each permit shall contain the following requirements with respect to monitoring:

a. All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to sections 114(a)(3) or 504(b) of the Act (Inspections, Monitoring and Entry or Permit Requirements and Conditions);

b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit as reported pursuant to subdivision A.4 of this section. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and

c. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

4. With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:

a. Records of required monitoring information that include the following:

- (i) The date, place as defined in the permit, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The name of the company or entity that performed the analyses;
- (iv) A description of the analytical techniques or methods used;
- (v) The results of such analyses;
- (vi) The operating conditions as existing at the time of sampling or measurement; and
- (vii) Chain of custody.

b. Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

5. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

a. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with 17.12.160.H and 17.12.210.A.5.

b. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Notice in accordance with paragraph (E)(3)(d) of this section shall be considered prompt for purposes of this paragraph.

6. A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act (Acid Deposition Control) or the regulations promulgated thereunder.

a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.

b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to non-compliance with any other applicable requirement.

c. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Act (Acid Deposition Control).

d. Any permit issued pursuant to the requirements of this Chapter and Title V of the Act (Permits) to a unit subject to the provisions of Title IV of the Act (Acid Deposition Control) shall include conditions prohibiting all of the following:

- (i) Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide held by the owners or operators of the unit or the designated representative of the owners or operators.
- (ii) Exceedances of applicable emission rates.
- (iii) The use of any allowance prior to the year for which it was allocated.
- (iv) Contravention of any other provision of the permit.

7. A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.

8. Provisions stating the following:

a. The permittee shall comply with all conditions of the permit. The permit shall contain all applicable requirements of federal and Arizona air quality statutes, and federal, state and Pima County air quality rules. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

b. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

c. The permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

d. The permit does not convey any property rights of any sort, or any exclusive privilege.

e. The permittee shall furnish to the control officer, within a reasonable time, any information that the control officer may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the control officer copies of records required to be kept by the permit. For information claimed to be confidential, the permittee shall furnish a copy of such records directly to the Administrator along with a claim of confidentiality.

f. For any major source operating in a non-attainment area for any pollutant(s) for which the source is classified as a major source, the source shall comply with reasonably available control technology.

9. A provision to ensure that the source pays fees to the control officer pursuant to A.R.S. 49-426.E and Article VI of this chapter.

10. A provision stating that no permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit. This provision shall not apply to emissions trading between sources as provided in the applicable implementation plan.

11. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the control officer. Such terms and conditions:

a. Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;

b. Shall extend the permit shield described in 17.12.310 to all terms and conditions under each such operating scenario; and

c. Shall ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this title.

12. Terms and conditions, if the permit applicant requests them, as approved by the control officer, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

a. Shall include all terms required under subsections A and C of this section to determine compliance;

b. May extend the permit shield described in subsection D of this section to all terms and conditions that allow such increases and decreases in emissions;

c. Shall not include trading involving emission units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emission trades; and

d. Shall meet all applicable requirements and requirements of this ~~Chapter~~ title.

13. Terms and conditions, if the permit applicant requests them and they are approved by the control officer, setting forth intermittent operating scenarios including potential periods of downtime. If such terms and conditions are included, the state's emissions inventory shall not reflect the zero emissions associated with the periods of downtime.



14. If a permit applicant requests it, the control officer shall issue permits that contain terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The control officer shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. The terms and conditions shall provide for notice that conforms to 17.12.230 (D) and (E) and that describes how the increases and decreases in emissions will comply with the terms and conditions of the permit.

15. Such other terms and conditions as are required by the Act, A.R.S. Title 49, Chapter 3, Articles 1, 2 and 3 and the rules adopted pursuant thereto.

**B. Federally-enforceable Requirements**

1. All terms and conditions in a Title V permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Act.

2. Notwithstanding subsection B.1 of this section, the control officer shall specifically designate as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or under any of its applicable requirements.

C. All permits shall contain a compliance plan that meets the requirements of 17.12.210.

D. Each permit shall include the applicable permit shield provisions set forth in 17.12.310.

**E. Emergency provision for excess emissions**

1. For all permits that specify emission limitations, emissions in excess of the limitation contained in the terms of the permit shall constitute a violation.

2. An emergency constitutes an affirmative defense to an action brought for noncompliance of the emission limitations if the conditions of subdivision 3 of this subsection are met.

3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

b. The permitted facility was at the time being properly operated;

c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and

d. The permittee submitted notice of the emergency to the control officer by certified mail or hand delivery within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.

4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

F. A class I permit issued to a major source shall require that reopenings be made pursuant to 17.12.270 to incorporate additional applicable requirements adopted by the Administrator pursuant to the Act that become applicable to a source with a permit with a remaining permit term of three or more years. No reopening shall be required if the effective date of the applicable requirement is after the expiration of the permit. The reopenings shall be made as expeditiously as practicable, but not later than eighteen months after the promulgation of such standards and regulations. Any permit reopening required pursuant to this section shall comply with provisions in 17.12.280 for permit renewal and shall reset the five year permit term. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

Section 16. That section 17.12.190 of the Pima County Code is amended to read:

17.12.190 Permit review by the EPA and affected states.

A. Except as provided in 17.12.160.F and as waived by the Administrator, for each ~~Title V~~ Class I permit, a copy of each of the following shall be provided to the Administrator as follows:

1. The applicant shall provide a complete copy of the application including any attachments, compliance plans and other information required by 17.12.160.E at the time of submittal of the application to the control officer.

2. The control officer shall provide the proposed final permit after public and affected state review.

3. The control officer shall provide the final permit at the time of issuance.

B. The control officer shall keep all records associated with all permits for a minimum of five years from issuance.

C. No permit for which an application is required to be submitted to the Administrator under subsection A of this Section shall be issued if the Administrator properly objects to its issuance in writing within 45 days of receipt of the proposed permit from the Department and all necessary supporting information.

D. Review by Affected States

1. For each Title V permit, the control officer shall provide notice of each proposed permit to any affected state on or before the time that the control officer provides this notice to the public as required under 17.12.340 except to the extent 17.12.250 requires the timing of the notice to be different.

2. If the control officer refuses to accept a recommendation of any affected state submitted during the public or affected state review period, the control officer shall notify the Administrator and the affected state in writing. The notification shall include the control officer's reasons for not accepting any such recommendation, and shall be provided to the Administrator as part of the submittal of the proposed final permit. The control officer shall not be required to accept recommendations that are not based on federal applicable requirements or requirements of state law.

E. Any person who petitions the Administrator pursuant to 40 CFR 70.8(d) shall notify the Control Officer by certified mail of such petition as soon as possible, but in no case more than 10 days following such petition. Such notice shall include the grounds for objection and whether such objections were raised during the public comment period. If the Administrator objects to the permit as a result of a petition filed under this subsection, the control officer shall not

issue the permit until the EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day administrative review period and prior to the Administrator's objection.

F. If the control officer has issued a permit prior to receipt of the Administrator's objection under subsection E of this section, and the Administrator indicates that it should be revised, terminated, or revoked and reissued, the control officer shall respond consistent with 17.12.270 and may thereafter issue only a revised permit that satisfies the Administrator's objection. In any case, the source shall not be in violation of the requirement to have submitted a timely and complete application.

G. Prohibition on Default Issuance

1. No Title V permit including a permit renewal or revision shall be issued until affected states and the Administrator have had an opportunity to review the proposed permit.

2. No permit or renewal shall be issued unless the control officer has acted on the application. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 17. That section 17.12.210 of the Pima County Code is amended to read:**

**17.12.210 Compliance plan; certification.**

A. All permits shall contain the following elements with respect to compliance:

1. The following monitoring requirements sufficient to assure compliance with the terms and conditions of the permit:

a. All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to sections 114 (a)(3) or 504 (b) of the Act (Inspections, Monitoring and Entry or Permit Requirements and Conditions);

b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to subdivision 2 of this subsection. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and

c. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

2. All applicable recordkeeping requirements including requiring, where applicable, the following:

a. Records of required monitoring information that include the following:

(i) The date, place as defined in the permit, and time of sampling or measurements, and name of person conducting sampling;

(ii) The date(s) analyses were performed;

(iii) The name of the company or entity that performed the analyses;

- (iv) A description of the analytical techniques or methods used;
- (v) The results of such analyses;
- (vi) The operating conditions as existing at the time of sampling or measurement; and
- (vii) Chain of custody.

b. Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings or physical records for continuous monitoring instrumentation, and copies of all reports required by the permit.

3. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

a. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with subdivision 5 of this subsection.

b. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Notice in accordance with 17.12.180 (E)(3)(d) shall be considered prompt for purposes of this paragraph.

4. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:

a. The frequency for submissions of compliance certifications, which shall not be less than annually;

b. The means to monitor the compliance of the source with its emissions limitations, standards, and work practices;

c. A requirement that the compliance certification include the following:

- (i) The identification of each term or condition of the permit that is the basis of the certification;
- (ii) The compliance status;
- (iii) Whether compliance was continuous or intermittent;
- (iv) The method(s) used for determining the compliance status of the source, currently and over the reporting period; and
- (v) Other facts as the control officer may require to determine the compliance status of the source.

d. A requirement that all compliance certifications be submitted to the control officer, and for Title V permits, to the Administrator as well.

e. Such additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the Act (Inspections, Monitoring and Entry or Permit Requirements and Conditions).

5. A requirement for any document required to be submitted by a permit, including reports, to contain a certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification

required under this Chapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

6. Inspection and entry provisions which require that upon presentation of proper credentials, the permittee shall allow the control officer to:

a. Enter upon the permittee's premises where a source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of the permit;

b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;

c. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

d. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements; and

e. Record any inspection by use of written, electronic, magnetic and photographic media.

7. A compliance plan that contains all the following:

a. A description of the compliance status of the source with respect to all applicable requirements.

b. A description as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.

(iii) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.

c. A compliance schedule as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.

(iii) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirement for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

d. A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation. Certified progress reports shall contain:

(i) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.

e. The compliance plan content requirements specified in this ~~section~~ subdivision shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act (Acid Deposition Control) with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

8. If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required.

B. The control officer may develop special guidance documents and forms to assist certain sources applying for Class II permits in completing the compliance plan. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 18. That section 17.12.220 of the Pima County Code is amended to read:**

17.12.220 (Reserved) (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 19. That section 17.12.230 of the Pima County Code is amended to read:**

17.12.230 Facility changes allowed without permit revisions.

A. A facility with a permit may make changes that contravene an express permit term without a permit revision if all of the following apply:

1. The changes are not modifications under any provision of Title I of the Act (Air Pollution Prevention and Control) or under A.R.S. 49-401.01(17).

2. The changes do not exceed the emissions allowable under the permit whether expressed therein as a rate of emissions or in terms of total emissions.

3. The changes do not violate any applicable requirements or trigger any additional applicable requirements.

4. The changes satisfy all requirements for a minor permit revision under 17.12.250.

5. The changes do not contravene federally enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements.

B. The substitution of an item of process or pollution control equipment for an identical or substantially similar item of process or pollution control equipment shall qualify as a change that does not require a permit revision, if it meets all of the requirements of subsections A, D and E of this Section.

C. Except for sources with authority to operate under general permits, permitted sources may trade increases and decreases in emissions within the permitted facility, as established in the permit pursuant to 17.12.180(A)(12), where an applicable implementation plan provides for such emissions trades, without applying for a permit revision and based on the seven working days notice prescribed in subsection D of this section. This provision is available in those cases where the permit does not already provide for such emissions trading as a minor permit revision.

D. For each change under subsections A through C of this section, a written notice, by certified mail or hand delivery, shall be received by the control officer and, for Title V permits, the Administrator a minimum of seven (7) working days in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided less than 7 working days in advance of the change but must be provided as far in advance of the change, or if advance notification is not practicable as soon after the change as possible.

E. Each notification shall include:

1. When the proposed change will occur.
2. A description of each such change.
3. Any change in emissions.
4. The pollutants emitted subject to the emissions trade, if any.
5. The provisions in the implementation plan that provide for the emissions trade with which the source will comply and any other information as may be required by the provisions in the implementation plan authorizing the trade.
6. If the emissions trading provisions of the implementation plan are invoked, then the permit requirements with which the source will comply.
7. Any permit term or condition that is no longer applicable as a result of the change.

F. The permit shield described in 17.12.310 shall not apply to any change made pursuant to subsections A through C of this section. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the implementation plan authorizing the emissions trade.

G. Except as otherwise provided for in the permit, making a change from one alternative operating scenario to another as provided under 17.12.180.A.11 shall not require any prior notice under this Section.

H. Notwithstanding any other part of this Section, the control officer may require a permit to be revised for any change that when considered together with any other changes submitted by the same source under this section over the term of the permit, do not satisfy subsection A of this section.

I. The control officer shall make available to the public monthly summaries of all notices received under this section. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 20. That section 17.12.240 of the Pima County Code is amended to read:**

**17.12.240 Administrative permit amendments.**

A. Except for provisions pursuant to Title IV of the Act (Acid Deposition Control), an administrative permit amendment is a permit revision that does any of the following:

1. Corrects typographical errors;

2. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;

3. Requires more frequent monitoring or reporting by the permittee;

4. Allows for a change in ownership or operational control of a source as approved under 17.12.290 where the control officer determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility coverage, and liability between the current and new permittee has been submitted to the control officer;

5. Incorporates any other type of change which, for non-Title V permits, the control officer, or for Title V permits, the Administrator, has determined to be similar to those of this Section.

B. Administrative permit amendments to Title IV provisions of the permit shall be governed by regulations promulgated by the Administrator under Title IV of the Act (Acid Deposition Control).

C. The control officer shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and for Class I permits may incorporate such changes without providing notice to the public or affected States provided that it designates any such permit revisions as having been made pursuant to this Section.

D. The control officer shall submit a copy of Title V permits revised under this Section to the Administrator.

E. Except for administrative permit amendments involving a transfer under 17.12.290, the source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

Section 21. That section 17.12.250 of the Pima County Code is amended to read:

17.12.250 Minor permit revisions.

A. Minor permit revision procedures may be used only for those permit revisions that satisfy all of the following:

1. Do not violate any applicable requirement;

2. Do not involve substantive changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source specific determination of ambient impacts, or a visibility or increment analysis;

4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed in order to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

a. A federally enforceable emissions cap which the source would assume to avoid classification as a modification under any provision of Title I of the Act (Air Pollution Prevention and Control);



b. An alternative emissions limit approved pursuant to regulations promulgated under the section 112(i)(5) of the Act (Hazardous Air Pollutants).

5. Are not modifications under any provision of Title I of the Act (Air Pollution Prevention and Control), or regulations promulgated pursuant to A.R.S. § 49-426.06.

6. Are not changes in fuels not represented in the permit application or provided for in the permit.

7. The increase in the source's potential to emit any regulated air pollutant is not significant as defined in section 17.04.340.

8. Are not required to be processed as a significant revision under 17.12.260.

B. As approved by the control officer, minor permit revision procedures may be used for permit revisions involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit revision procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by the Administrator.

C. An application for minor permit revision shall be on the standard application form contained in Title 18, Chapter 2, Appendix 1 of the A.A.C. and include the following:

1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

2. For Title V sources, the source's suggested proposed permit;

3. Certification by a responsible official, consistent with standard permit application requirements, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used;

D. EPA and affected State notification. For Title V permits, within 5 working days of receipt of an application for a minor permit revision, the control officer shall notify the Administrator and affected states of the requested permit revision in accordance with 17.12.190.

E. The control officer shall follow the following timetable for action on an application for a minor permit revision:

1. For Title V permits, the control officer shall not issue a final permit revision until after the Administrator's 45-day review period or until the Administrator has notified the control officer that the Administrator will not object to issuance of the permit revision, whichever is first, although the control officer may approve the permit revision prior to that time. Within 90 days of the control officer's receipt of an application under minor permit revision procedures, or 15 days after the end of the Administrator's 45-day review period, whichever is later, the control officer shall do one or more of the following:

a. Issue the permit revision as proposed.

b. Deny the permit revision application.

c. Determine that the proposed permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures in 17.12.260.

d. Revise the proposed permit revision and transmit to the Administrator the new proposed permit revision as required in 17.12.190.

2. Within 90 days of the control officer's receipt of an application for a revision of a non-Title V permit under this Section, the control officer shall do one or more of the following:

a. Issue the permit revision as proposed.

b. Deny the permit revision application.

c. Determine that the permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures pursuant to 17.12.260.

d. Revise and issue the proposed permit revision.

F. Source's ability to make change. The source may make the change proposed in its minor permit revision application immediately after it files the application. After the source makes the change allowed by the preceding sentence, and until the control officer takes any of the actions specified in subsection E of this Section, the source shall comply with both the applicable requirements governing the change and the proposed revised permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to revise may be enforced against it.

G. The permit shield under 17.12.310 shall not extend to minor permit revisions.

H. Notwithstanding any other part of this section, the control officer may require a permit to be revised under 17.12.260 for any change that, when considered together with any other changes submitted by the same source under this section or 17.12.230 over the life of the permit, do not satisfy subsection A of this section.

I. The control officer shall make available to the public monthly summaries of all applications for minor revisions. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 22. That section 17.12.260 of the Pima County Code is amended to read:**

**17.12.260 Significant permit revisions.**

A. Significant revision procedures shall be used for applicants requesting permit revisions that do not qualify as minor revisions or as administrative amendments. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or record keeping permit terms or conditions shall follow significant revision procedures.

B. All modifications to major sources of federally listed hazardous air pollutants shall follow significant revision procedures and any rules adopted pursuant to A.R.S. 49-426.03 and 49-480.03. A physical change to a source or change in the method of operation of a source that complies with Section 112(g)(1) of the Act (Hazardous Air Pollutants) shall be a modification required to be processed under this Section but not for the purposes of requiring maximum achievable control technology.

C. All modifications to sources subject to rules promulgated pursuant to A.R.S. 49-426.06 and 49-480.04 shall follow the revision procedures provided in those rules.

D. Significant permit revisions shall meet all requirements of this Article for applications, public participation, review by affected States, and review by the Administrator as they apply to permit issuance and renewal.

E. The control officer shall process the majority of significant permit revision applications within 9 months of receipt of a complete permit application but in no case longer than 18 months. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 23. That section 17.12.270 of the Pima County Code is amended to read:**

**17.12.270 Permit reopenings; revocation and reissuance; termination.**

**A. Reopening for Cause**

1. Each issued permit shall include provisions specifying the conditions under which the permit shall be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:

a. Additional applicable requirements under the Act become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 17.12.280.B. Any permit reopening required pursuant to this paragraph shall comply with provisions in 17.12.280 for permit renewal and shall reset the five year permit term.

b. Additional requirements, including excess emissions requirements, become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Class I permit.

c. The control officer or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

d. The control officer or the Administrator determines that the permit needs to be revised or revoked to assure compliance with the applicable requirements.

2. Proceedings to reopen and issue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

3. Reopenings under subdivision A.1. of this Section shall not be initiated before a notice of such intent is provided to the source by the control officer at least 30 days in advance of the date that the permit is to be reopened, except that the control officer may provide a shorter time period in the case of an emergency.

4. When a permit is reopened and revised pursuant to this section, the control officer may make appropriate revisions to the permit shield established pursuant to 17.12.310.

**B.** Within 10 days of receipt of notice from the Administrator that cause exists to reopen a Title V permit, the control officer shall notify the source. The source shall have 30 days to respond to the control officer. Within 90 days of receipt of notice from the Administrator that cause exists to reopen a permit, or within any extension to the 90 days granted by EPA, the control officer shall forward to the Administrator and the source a proposed determination of termination,

revision, revocation or reissuance of the permit. Within 90 days of receipt of an EPA objection to the control officer's proposal, the control officer shall resolve the objection and act on the permit.

C. The control officer may issue a notice of termination of a permit issued pursuant to this title if:

1. The control officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.

2. The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.

3. The terms and conditions of the permit have been or are being violated.

If the control officer issues a notice of termination under this section, the notice shall be served on the permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the revocation and a statement that the permittee is entitled to a hearing. A notice of termination issued by the control officer shall become effective immediately upon the expiration of the time during which a request for a hearing may be made pursuant to A.R.S. 49-511 unless the person or persons named in such notice shall have made a timely request for a hearing before the hearing board. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 24.** That section 17.12.290 of the Pima County Code is amended to read:

17.12.290 Permit transfers.

A. Except as provided in A.R.S. §49-483 and subsection B of this section, a Class I or II permit may be transferred to another person if:

1. the person who holds the permit gives notice of the following to the control officer in writing at least thirty days before the proposed transfer:

- a. The permit number and expiration date.
- b. The name, address and telephone number of the current permit holder.
- c. The name, address and telephone number of the organization to receive the permit.

2. the new owner gives notice of the following to the control officer in writing at least thirty days before the proposed transfer:

- a. The name and title of the individual within the organization who is accepting responsibility for the permit along with a signed statement by that person indicating such acceptance.
- b. A description of the equipment to be transferred.
- c. A written agreement containing a specific date for transfer or permit responsibility, coverage, and liability between the current and new permittee.

d. Provisions for the payment of any fees pursuant to Chapter 17.12, Article VI that will be due and payable before the effective date of transfer.

e. Sufficient information about the source's technical and financial capabilities of operating the source to allow the control officer to make the decision in subsection B of this section including:

(i) The qualifications of each person principally responsible for the operation of the source.

(ii) A statement by the chief financial officer of the new permittee that it is financially capable of operating the facility in compliance with the law, and the information that provides the basis for that statement.

(iii) A brief description of any action for the enforcement of any federal or state law, rule or regulation, or any county, city or local government ordinance relating to the protection of the environment, instituted against any person employed by the new permittee and principally responsible for operating the facility during the five years preceding the date of application. In lieu of this description, the new permittee may submit a copy of the certificate of disclosure or 10-k form required under A.R.S. §49-109, or a statement that this information has been filed in compliance with A.R.S. §49-109.

B. The control officer shall deny the transfer if the control officer determines that the organization receiving the permit is not capable of operating the source in compliance with Article 3, Chapter 3, Title 49, Arizona Revised Statutes, the provisions of this title or the provisions of the permit. Notice of the denial shall be sent to the original permit holder by certified mail stating the reason for the denial within ten working days of the control officer's receipt of the application. If the transfer is not denied within ten working days after receipt of the notice, it shall be deemed approved.

C. To appeal the transfer denial:

1. Both the transferor and transferee shall petition the hearing board in writing for a public hearing; and

2. The appeal process for a permit shall be followed.

D. The control officer shall make available to the public monthly summaries of all notices received under this section. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 25. That section 17.12.300 of the Pima County Code is amended to read:**

**17.12.300 Portable sources.**

A. A portable source that will operate for the duration of its permit solely in one county that has established a local air pollution control program pursuant to A.R.S. 49-479 shall obtain a permit from that county. A portable source with a county permit, shall not operate in any other county.

B. Permits for portable sources shall include the following:

1. Conditions that will assure compliance with all applicable requirements at all authorized locations; and

2. Conditions that assure compliance with all other provisions of this title.

C. A portable source which has a county permit but proposes to operate outside the county shall obtain a permit from the Director. Upon issuance of a permit by the Director, the county shall terminate the county permit for that source.

Before commencing operation in the new county, the source shall notify the Director and the control officer who has jurisdiction over the geographic area that includes the new location according to subsection E of this Section.

D. An owner of portable source equipment which requires a permit under this title shall obtain the permit prior to renting or leasing said equipment. This permit shall be provided by the owner to the renter or lessee and the renter or lessee shall be bound by the permit provisions. In the event a copy of the permit is not provided to the renter or lessee, both the owner and the lessee or renter shall be responsible for the operation of this equipment in compliance with the permit conditions and any violations thereof.

E. A portable source may be transferred from one location to another provided that the owner or operator of such equipment provide notification according to the conditions specified in the permit. In no case will more than ten days notice be required. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 26. That section 17.12.310 of the Pima County Code is amended to read:**

**17.12.310 Permit shields.**

A. Each Class I or II permit issued under this chapter shall specifically identify all federal, state, and local air pollution control requirements that apply to the source at the time the permit is issued. The permit shall state that compliance with the conditions of the permit shall be deemed compliance with any applicable requirement identified in the permit as of the date of permit issuance, provided that such applicable requirements are included and expressly identified in the permit. The control officer may include in a permit determination that other requirements specifically identified are not applicable. Any permit under this Chapter that does not expressly state that a permit shield exists shall not provide such a shield.

B. Nothing in this Section or in any permit shall alter or affect the following:

1. The provisions of section 303 of the Act (emergency orders), including the authority of the Administrator under that section.

2. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.

3. The applicable requirements of the acid rain program, consistent with section 408(a) of the Act (Permits and Compliance Plans).

4. The ability of the Administrator or the control officer to obtain information from a source pursuant to section 114 of the Act (Inspections, Monitoring and Entry), or any provision of state law.

5. The authority of the control officer to require compliance with new applicable requirements adopted after the permit is issued.

C. In addition to the provisions of 17.12.270, a permit may be reopened by the control officer and the permit shield revised when it is determined that standards or conditions in the permit are based on incorrect information provided by the applicant. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

Section 27. That section 17.12.320 of the Pima County Code is amended to read:

17.12.320 Annual emissions inventory questionnaire.

A. Every source subject to a Title V permit requirement shall complete and submit to the control officer an annual emissions inventory questionnaire. The questionnaire is due by March 31, or 90 days after the control officer makes the inventory form available, whichever occurs later, and shall include emission information for the previous calendar year. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed. Sources subject to non-Title V permit requirements may also be required by the control officer to submit emissions inventory information.

B. The questionnaire shall be on a form provided by or approved by the control officer and shall include the following information:

1. The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.

2. Process information for the source, including design capacity, operations schedule, and emissions control devices, their description and efficiencies.

3. The actual quantity of emissions from permitted emission points and fugitive emissions as provided in the permit, including documentation of the method of measurement, calculation or estimation determined pursuant to subsection C of this section of the following regulated air pollutants:

a. Any single regulated air pollutant in a quantity greater than one ton or the amount listed for the pollutant in the definition of "significant" in section 17.04.340, whichever is less.

b. Any combination of regulated air pollutants in a quantity greater than 2.5 tons.

C. Actual quantities of emissions shall be determined using the following emission facts or data:

1. Whenever available, emissions estimates shall either be calculated from continuous emissions monitors certified pursuant to 40 CFR Part 75, Subpart C and referenced as appendices, as published in the Federal Register on January 11, 1993 (and no later editions) which is incorporated herein by reference, and is on file with the Department and the Office of Secretary of State, or data quality assured pursuant to Appendix F of 40 CFR Part 60.

2. When sufficient data pursuant to subdivision 1 of this subsection is not available, emissions estimates shall be calculated from data from source performance tests conducted pursuant to 17.12.050 in the calendar year being reported or, when not available, conducted in the most recent calendar year representing the operating conditions of the year being reported.

3. When sufficient data pursuant to subdivisions 1 and 2 of this subsection is not available, emissions estimates shall be calculated using emissions factors from EPA Publication No. AP-42 "Compilation of Air Pollutant Emission Factors", Volume I: Stationary Point and Area Sources, Fourth Edition, supplements A through F, 1985, U.S. Environmental Protection Agency, Research Triangle Park, NC (GPO Order No. 055-000-00251-7), (and no future editions) which is incorporated herein by reference and is on file with the Department and the Office of Secretary of State. AP-42 can be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

4. When sufficient data pursuant to subdivisions 1 through 3 of this subsection is not available, emissions estimates shall be calculated from material balance using engineering knowledge of process.

5. When sufficient data pursuant to subdivisions 1 through 4 of this subsection is not available, emissions estimates shall be calculated by equivalent methods approved by the control officer. The control officer shall only approve methods that are demonstrated as accurate and reliable as the applicable method in subdivisions 1 through 4 of this subsection.

D. Actual quantities of emissions calculated under subsection C of this section shall be determined on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored or combusted.

E. An amendment to an annual emission inventory questionnaire, containing the documentation required by subdivision (B)(3) of this section, shall be submitted to the control officer by any source whenever it discovers or receives notice, within two years of the original submittal, that incorrect or insufficient information was submitted to the control officer by a previous questionnaire. If the incorrect or insufficient information resulted in an incorrect annual emissions fee, the control officer shall require that additional payment be made or shall apply an amount as a credit to a future annual emissions fee. The submittal of an amendment under this subsection shall not subject the owner or operator to an enforcement action or a civil or criminal penalty if the original submittal of incorrect or insufficient information was due to reasonable cause and not willful neglect.

F. The control officer may require submittal of supplemental emissions inventory questionnaires for air contaminants pursuant to A.R.S. 49-476.01. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 28. That section 17.12.340 of the Pima County Code is amended to read:**

**17.12.340 Public participation.**

A. The control officer shall provide public notice, an opportunity for public comment, and an opportunity for a hearing before taking the following actions:

1. A permit issuance or renewal of a permit.
2. A significant permit revision.
3. Revocation and reissuance or reopening of a permit.
4. Any conditional orders pursuant to 17.28.100.

B. The control officer shall provide public notice of receipt of complete applications for permits to construct or make a major modification to major sources by publishing a notice in a newspaper of general circulation in the county where the source will be located.

C. The control officer shall provide notice required pursuant to subsection A of this section, or any other section of this title, as follows:

1. The control officer shall publish the notice once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located.



2. The control officer shall mail a copy of the notice to persons on a mailing list developed by the control officer consisting of those persons who have requested in writing to be placed on such a mailing list.

D. The notice required by subsection (C) shall include the following:

1. Identification of the affected facility.
2. Name and address of the permittee or applicant.
3. Name and address of the permitting authority processing the permit action.
4. The activity or activities involved in the permit action.
5. The emissions change involved in any permit revisions.
6. The air contaminants to be emitted.
7. If applicable, that a notice of confidentiality has been filed under 17.12.170.
8. If applicable, that the source has submitted a risk management analysis pursuant to A.R.S. §49-426.06.
9. A statement that any person may submit written comments, or a written request for a public hearing, or both, on the proposed permit action, along with the deadline for such requests or comments.
10. The name, address, and telephone number of a person from PDEQ from whom additional information may be obtained.
11. Locations where copies of the permit or permit revision application, the proposed permit, and all other materials available to the control officer that are relevant to the permit decision may be reviewed, including the PDEQ office, and the times at which they shall be available for public inspection.

E. The control officer shall hold a public hearing to receive comments on petitions for conditional orders which would vary from requirements of the applicable implementation plan. For all other actions involving a proposed permit, the control officer shall hold a public hearing only upon written request pursuant to the provisions of A.R.S. 49-426. If a public hearing is requested, the control officer shall schedule the hearing and publish notice as described in A.R.S. 49-444 and subsection D of this section. The control officer shall give notice of any public hearing at least 30 days in advance of the hearing.

F. At the time the control officer publishes the first notice according to subdivision (C)(1) of this section, the applicant shall post a notice containing the information required in subsection D of this section at the site where the source is or may be located. Consistent with federal, state, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. If a public hearing is to be held, the applicant shall place an additional posting providing notice of the hearing. Any posting shall be maintained until the public comment period is closed.

G. The control officer shall provide at least 30 days from the date of its first notice for public comment. The control officer shall keep a record of the commenters and of the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final decision is made, the record and copies of the control officer's responses shall be made available to the applicant and all commenters. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 29. That section 17.12.350 of the Pima County Code is amended to read:**

**17.12.350 Material permit condition.**

A. For the purposes of A.R.S. 49-464(G) and 49-514(G), a "material permit condition" shall mean a condition which satisfies all of the following:

1. The condition is in a permit or permit revision issued by the control officer after the effective date of this section.

2. The condition is identified within the permit as a material permit condition.

3. The condition is one of the following:

a. An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement.

b. A requirement to install, operate or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required pursuant to the requirements of A.R.S. § 49-426.06.

c. A requirement for the installation or certification of a monitoring device.

d. A requirement for the installation of air pollution control equipment.

e. A requirement for the operation of air pollution control equipment.

f. Any opacity standard required by section 111 (Standards of Performance for New Stationary Sources) or Title I, part C or D (Air Pollution Prevention and Control) of the Act.

4. Violation of the condition is not covered by subsections A through F, or H through J of A.R.S. 49-464 or subsections A through F, or H through J of A.R.S. 49-514.

B. For the purposes of paragraphs A.3.c, d and e of this section, a permit condition shall not be material only where the failure to comply resulted from circumstances which were outside the control of the source. As used in this section, "circumstances outside the control of the source" shall mean circumstances where the violation resulted from a sudden and unavoidable breakdown of the process or the control equipment, resulted from unavoidable conditions during a start up or shut down or resulted from upset of operations.

C. For purposes of this section, the term "emission standard" shall have the meaning set forth at subsection T of A.R.S. 49-514. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 30. That section 17.12.360 of the Pima County Code is amended to read:**

**17.12.360 Stack height limitation.**

A. The limitations set forth herein shall not apply to stacks or dispersion techniques used by the owner or operator prior to December 31, 1970, for which the owner or operator had:

1. Begun, or caused to begin, a continuous program of physical on-site construction of the stack;
2. Entered into building agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time; or
3. Coal fired steam electric generating units, subject to the provisions of Section 118 of the Act (Control of Pollution from Federal Facilities) which commenced operation before July 1, 1975, with stacks constructed under a construction contract awarded before February 8, 1974.

B. GEP stack height is calculated as the greater of the following four numbers in subdivisions 1 through 4:

1. 213.25 feet (65 meters).
2. For stacks in existence on January 12, 1979 and for which the owner or operator had obtained all applicable preconstruction permits or approvals required under 40 CFR Parts 51 and 52 and 17.16.560,  $H_g = 2.5H$ .
3. For all other stacks,  $H_g = H + 1.5L$ , where  
 $H_g$  = good engineering practice stack height, measured from the ground-level elevation at the base of the stack;  
 $H$  = height of nearby structure measured from the ground-level elevation at the base of the stack;  
 $L$  = lesser dimension (height or projected width) of nearby structure;  
provided that the EPA, state, or local control agency may require the use of a field study or fluid model to verify GEP stack height for the source; or

4. The height demonstrated by a fluid model or a field study approved by the reviewing agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain obstacles.

5. For a specific structure or terrain feature, "nearby" shall be:

a. For purposes of applying the formulae in subdivisions 2 and 3 of this subsection, that distance up to five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km (one half mile).

b. For conducting demonstrations under subdivision 4 of this subsection, means not greater than 0.8 km (one half mile). An exception is that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten times the maximum height ( $H+$ ) of the feature, not to exceed two miles if such feature achieved a height ( $H+$ ) 0.8 km from the stack. The height shall be at least 40 percent of the GEP stack height determined by the formula provided in subdivision 3, or 85 feet (26 meters), whichever is greater, as measured from the ground-level elevation at the base of the stack.

6. "Excessive concentrations" means, for the purpose of determining good engineering practice stack height under subdivision 4 of this subsection:

a. For sources seeking credit for stack height exceeding that established under subdivisions 2 and 3 of this subsection, a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the requirements for permits or permit revisions under ~~Article 4~~ of this Chapter, an

excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes or eddy effects and greater than the applicable maximum allowable increase contained in 17.08.150. The allowable emission rate to be used in making demonstrations under subdivision 4 of this subsection shall be prescribed by the new source performance standard which is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the control officer, an alternative emission rate shall be established in consultation with the source owner or operator;

b. For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under subdivisions 2 and 3 of this subsection, either:

(i) A maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects as provided in paragraph a of this subdivision, except that emission rate specified by any applicable SIP shall be used, or

(ii) The actual presence of a local nuisance caused by the existing stack, as determined by the control officer; and

c. For sources seeking credit after January 12, 1979, for a stack height determined under subdivisions 2 and 3 of this subsection, where the control officer requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970 based on the aerodynamic influence of structures not adequately represented by the equations in subdivisions 2 and 3 of this subsection, a maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

C. The degree of emission limitation required of any source after the respective date given in subsection A of this section for control of any pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique.

D. The good engineering practice (GEP) stack height for any source seeking credit because of plume impaction which results in concentrations in violation of national ambient air quality standards or applicable maximum allowable increases under 7.08.150 can be adjusted by determining the stack height necessary to predict the same maximum air pollutant concentration on any elevated terrain feature as the maximum concentration associated with the emission limit which results from modelling the source using the GEP stack height as determined herein and assuming the elevated terrain features to be equal in elevation to the GEP stack height. If this adjusted GEP stack height is greater than stack height the source proposes to use, the source's emission limitation and air quality impact shall be determined using the proposed stack height and the actual terrain heights.

E. Before the control officer issues a permit or permit revision under this Article to a source based on a good engineering practice stack height that exceeds the height allowed by subsection B of this Section, ADEQ shall notify the public of the availability of the demonstration study and provide opportunity for public hearing in accordance with the requirements of 17.12.340. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

Section 31. That section 17.12.370 of the Pima County Code is amended to read:

17.12.370 General Permit Enforcement

The control officer shall administer, inspect and enforce all standards and applicable requirements contained in general permits issued by the Director to sources operating in the county. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

Section 32. That section 17.12.380 of the Pima County Code is amended to read:

17.12.380 (Reserved) (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

Section 33. That section 17.12.390 of the Pima County Code is amended to read:

17.12.390 Application for coverage under general permit.

A. Once the Director has issued a general permit, any source which is a member of the class of facilities covered by the general permit may apply to the control officer for authority to operate under the general permit. Applicants shall complete the specific application form for general permits, or if none has been adopted, the standard application form contained in Title 18, Chapter 2, Appendix 1, of the A.A.C.

B. For sources required to obtain a permit under Title V of the Act (Permits), the control officer shall provide the Administrator with a permit application summary form and any relevant portion of the permit application and compliance plan. To the extent possible, this information shall be provided in computer readable format compatible with the Administrator's national database management system.

C. The control officer shall give notice of the general permit application pursuant to 17.12.340.

D. The control officer shall act on the application for coverage under the general permit as expeditiously as possible, but a final decision shall be reached within 180 days. The source may operate under the terms of its application during that time. If the application for coverage is denied, the control officer shall notify the source that it shall apply for an individual permit within 180 days of receipt of notice. The control officer may defer acting on an application under this subsection if the control officer has provided notice of intent to renew or not renew the permit.

E. Sources operating under a general permit shall apply to the Director for the permit revisions pursuant to A.A.C. Title 18, Chapter 2, Article 5. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

Section 34. That section 17.12.400 of the Pima County Code is amended to read:

17.12.400 (Reserved) (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

Section 35. That section 17.12.410 of the Pima County Code is amended to read:

17.12.410 (Reserved) (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 36. That section 17.12.420 of the Pima County Code is amended to read:**

17.12.420 (Reserved) (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 37. That section 17.12.430 of the Pima County Code is amended to read:**

17.12.430. (Reserved) (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 38. That section 17.12.440 of the Pima County Code is amended to read:**

17.12.440 (Reserved) (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 39. That section 17.12.450 of the Pima County Code is amended to read:**

17.12.450 (Reserved) (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 40. That section 17.12.460 of the Pima County Code is amended to read:**

17.12.460 (Reserved) (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993)

**Section 41. That section 17.12.470 of the Pima County Code is amended to read:**

17.12.470 Activity permits.

A. Except as provided in subsection B, no person shall cause or permit the use of any equipment for the purpose of landclearing, mining, excavating, or leveling land including blasting, trenching or road construction or commence demolition or renovation of any structure as shown in Table 17.12.540 without first obtaining a permit from the control officer.

B. In the case of an emergency, action may be taken to stabilize the situation before obtaining an activity permit. Upon stabilizing the emergency situation, an activity permit shall be obtained.

C. The permit shall be valid for a period of not more than three months from the date of issue. The applicant may request a longer term, if the project length specified in a written contract is greater than three months. A copy of the contract shall be provided with the application. Activity permits issued for a period exceeding three months shall expire thirty days after the contract deadline or after one year from date of issuance, whichever is earlier.

D. Permittees shall notify the control officer within five working days of the start and completion of the project. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 3 (part), 1993); Ord. 1987-75 § 5 (part), 1987)

**Section 42. That section 17.12.510 of the Pima County Code is amended to read:**

**17.12.510 Permit fee payments.**

- A. Permit application fees assessed pursuant to subsections A and B of section 17.12.520 may be paid in full at the time of permit issuance or in installments. Installment payments shall be equal to at least one-fifth of the total permit application fee and shall be paid no less than annually.
- B. Applicants shall notify the control officer, in writing, of the payment option desired and the amount of installment payments, if applicable, within thirty days of issuance of an invoice.
- C. Invoices for installment payments shall include a processing fee assessed at a rate of \$58.00 per hour.
- D. If the entire permit fee is not received in full by the expiration of the permit, the permittee shall pay all subsequent permit fees in full at the time its subsequent permits are issued. (Ord. 1994-\_\_\_ § \_\_, 1994; Ord. 1993-128 § 3 (part), 1993; Ord. 1979-93 (part), 1979)

**Section 43. That chapter 17.12 of the Pima County Code is amended by adding section 17.12.525 to read:**

**17.12.525 Permit application fees -- special cases.**

- A. For dry cleaning equipment, the control officer shall assess an application review fee determined according to the rate, minimum and maximum fees specified in subsection C of section 17.12.520.
- B. For any facility, other than dry cleaners, that is required to obtain a permit under Title V of the Clean Air Act (Permits) solely because of its classification as a new stationary source under NSPS, the control officer shall assess an application review fee determined according to the rate, minimum and maximum fees specified in subsection B of section 17.12.520.
- C. As MACT standards are promulgated by the Administrator for facilities other than dry cleaners and facilities specified in subsection B of this section, the control officer shall, within 6 months, reevaluate the appropriate fee schedule to be applied to such sources, propose any necessary adjustments to the fee schedule and forward a recommendation to the Board of Supervisors. (Ord. 1994-\_\_\_ § \_\_, 1994)

**Section 44. That section 17.12.540 and Table 17.12.540 of the Pima County Code is amended to read:**

**17.12.540 Activity Permit Fees.**

- A. Refer to Table 17.12.540, Activity Permit Fee Schedules and section 17.12.545.
- B. The control officer may waive the activity permit fee if all the following apply:
  - 1. the permit is being obtained for cleanup of an illegal dump; and
  - 2. the illegal dump was caused by a party other than the property owner where the dump is located.

(Ord. 1994-\_\_\_ § \_\_, 1994; Ord. 1993-128 § 3 (part), 1993)

Table 17.12.540

## ACTIVITY PERMIT FEES SCHEDULE

S.S. <sup>1</sup>	ACTIVITY	RATE COMPONENTS	EXEMPTIONS
A	Landstripping and/or Earthmoving	1 to 5 acres \$89.28 plus \$8.93 per each additional acre or fraction thereof	<1 acre
B	Trenching	300 feet of aggregate trenching \$17.86 base plus \$0.036 per each additional ft.	<300 ft.; trenching for landscaping
C	Road Construction	50 ft. of aggregate road construction \$17.86 base plus \$0.09 per each additional ft.	<50 ft.
D	Activity permit for NESHAP facilities:	\$420.00	See Note 1
E	Activity permit for non-NESHAP facilities:	\$35.00	See Note 1; one and two family dwelling units.
F	Demolition of a dwelling or facility not listed above.	\$30.00	<100 sq. ft.
G	Blasting	\$18.00 plus \$3.53 per day of blasting	None

## Exemptions Notes:

1. < 260 linear feet on pipes; < 160 square feet on other facility components; < 35 cubic feet off facility components



Table 17.12.540

## ACTIVITY PERMIT FEES SCHEDULE (continued)

S.S. <sup>1</sup>	Activity	RATE COMPONENTS	Exemptions
H	Excavation of contaminated soil and storage for less than 45 days (see NOTE)	1 to 50 cubic yards \$89.28 plus \$8.93 for each additional 10 cubic yards or fraction thereof	<1 cubic yard
I	Storage of contaminated soil that is not being remediated according to an approval from PDEQ or ADEQ. (see NOTE)	\$15.00 base plus \$1.00 per cubic yard per month of storage	<45 days; <1 cubic yard; soil stored in closed containers

NOTE: Contaminated soil is: (a) soil containing one or more contaminants equal to, or greater than, the Human Health Based Guidance Levels for Soil determined by ADEQ, June, 1992; (b) soil which meets the definition of an environmental nuisance in Title 7 of the Pima County Code; or (c) soil which meets the definition of a RCRA hazardous waste. Contaminated soil does not include asphaltic concrete returned to the plant for recycling.

## Example permit fee calculations

1. Permit for clearing 4 acres =	\$89.28
2. Permit for earthmoving on 9 acres =	\$ 89.28 - first 5 acres
plus 9 - 5 = 4 X \$8.93 =	\$ 35.72 - last 4 acres
TOTAL	\$125.00
3. Permit, trenching 500 ft.:	
Base fee, 300 ft. or more =	\$17.86
plus 500 ft - 300 ft = 200 X \$0.036 =	\$ 7.20
TOTAL	\$25.06

<sup>1</sup>Sub-schedule for identification only.

(Ord. 1994-\_\_\_ \$ \_\_, 1994: Ord. 1993-128 § 3 (part), 1993; Ord. 1990-113 § 16, 1990: Ord. 1989-165 § 17 (part), 1989: Ord. 1987-175 § 18, 1987)

**Section 45. That chapter 17.12 of the Pima County Code is amended by adding section 17.12.545 to read:**

**17.12.545 Activity Permit Fees for Contaminated Soil.**

A. The activity permit fee for the excavation of contaminated soil and storage for less than 45 days (Sub-schedule G of Table 17.12.540) shall not exceed ten times the base fee.

B. The activity permit fee for storage of contaminated soil that is not being remediated according to an approval from PDEQ or ADEQ (Sub-schedule H of Table 17.12.540) shall not exceed \$1,000. (Ord. 1994-\_\_\_ § \_\_, 1994)

**Section 46. That section 17.12.610 of the Pima County Code is amended to read:**

**17.12.610 Payment of permit application fees.**

A. Before a permit which requires a fee is issued, the control officer shall provide the applicant with a written invoice.

1. The control officer shall invoice a new permit at the time he decides to grant the permit.

a. If the permit application fee or installment payment is not received within thirty days of invoicing, a charge for late payment not to exceed ten percent of the fee or installment payment (based upon the additional cost incurred in collecting the fee) may be assessed.

b. If the permit application fee or initial installment payment is not received within forty-five days of invoicing, the permit application may be denied, and the control officer shall so notify the applicant by certified mail.

c. If an installment payment is not received within forty-five days of invoicing, the permit may be suspended, and the control officer shall so notify the applicant by certified mail. A source may not operate while its permit is suspended. The source may renew operation upon payment of the delinquent fee.

d. If an installment payment is not received within three months of invoicing, the permit shall be revoked, and the control officer shall so notify the applicant by certified mail.

B. If a permit application has been denied, or a permit has been revoked for failure to pay a fee, a subsequent application shall be subject to the late charge established above. (Ord. 1994-\_\_\_ § \_\_, 1994; Ord. 1993-128 § 3 (part), 1993; Ord. 1989-165 § 17 (part), 1989; Ord. 1979-93 (part), 1979)

**Section 47. That section 17.16.010 of the Pima County Code is amended to read:**

**17.16.010, Local rules and standards; Applicability of more than one standard.**

A. The requirements of this chapter shall apply to all sources of air contaminants operating in Pima County, including those sources under the jurisdiction of the Arizona Department of Environmental Quality.

B. If more than one emission limit or emission standard is applicable to the same source, the more stringent standard or emission limit shall apply.

2. Emissions from a single-family residence.

D. The control officer may formally prosecute violations of this section when five or more persons from more than one single family residence or place of business register complaints with the control officer within a ninety (90) day period regarding the same apparent source of emissions. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993; Ord. 1979-93 (part), 1979)

**Section 49. That section 17.16.050 of the Pima County Code is amended to read:**

**17.16.050 Visibility limiting standard.**

A. No person shall cause or permit the airborne diffusion of visible emissions, including fugitive dust, beyond the property boundary line within which the emissions become airborne. In actual practice, compliance with this section shall be deemed to occur if the person is taking all necessary and feasible actions to control visible emissions. Sources may be required to cease entirely the activity or operation which is causing or contributing to the emissions.

B. For sources required to obtain a Class I or Class II permit, actions necessary and feasible to comply with subsection A of this section may be specified in permit conditions. Compliance with all permit conditions shall be deemed compliance with this section.

C. This section shall not apply when wind speeds exceed twenty-five miles per hour (using the Beaufort Scale of Wind-Speed Equivalents, or as recorded by the National Weather Service). This exception does not apply if control measures have not been taken or were not commensurate with the size or scope of the emission source. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993; Ord. 1987-175 § 23, 1987: (Ord. 1979-93 (part), 1979)

**Section 50. That section 17.16.060 of the Pima County Code is amended to read:**

**17.16.060 Fugitive dust producing activities.**

A. A permittee whose permit specifically allows fugitive dust producing operations or activities is responsible for controlling windblown dust, dust from haul roads, and dust emitted from land clearing, earthmoving, demolition, trenching, blasting, road construction, mining, racing event, and other activities, as applicable.

1. Until the area becomes permanently stabilized by paving, landscaping or otherwise, dust emissions shall be controlled by applying adequate amounts of water, chemical stabilizer, or other effective dust suppressant.

2. The permittee shall not leave land in such a state that fugitive dust emissions (including windblown dust or dust caused by vehicular traffic on the area) would violate this Title. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4, 1993; Ord. 1979-93 (part), 1979)

**Section 51. That section 17.16.100 of the Pima County Code is amended to read:**

**17.16.100 Particulate materials.**

A. Dust emissions from the processing of material shall be effectively controlled by one or more of the following: hooding and use of dust collection equipment, water sprays, wet scrubbers, fabric filters (baghouses), electrostatic precipitators, or other equivalently effective controls.

B. Dust emissions from construction activity shall be effectively controlled by applying adequate amounts of water or other equivalently effective dust controls.

C. Dust emissions from the transportation of materials shall be effectively controlled by covering stock loads in open-bodied trucks, limiting vehicular speeds, or other equivalently effective controls.

D. Emissions from a sandblasting or other abrasive blasting operation shall be effectively controlled by applying water to suppress visible emissions (wet blasting), enclosing the operation, or use of other equivalently effective controls.

E. In addition to any other permits or approvals that may be required pursuant to this Title, all sources of metallic particulates that are not covered by a standard under this chapter for which a permit is issued by the control officer, shall propose RACT for the reduction of actual emissions and concentration of metallic particulates as part of the permit application. The control officer shall review the RACT proposal and shall issue a permit if the proposal demonstrates adequate control measures to achieve emissions reductions. (Ord. 1994-\_\_\_ § \_\_, 1994; Ord. 1993-128 § 4 (part), 1993; Ord. 1991-136 § 12; Ord. 1990-113 § 4, 1990; Ord. 1979-93 (part), 1979)

**Section 52. That section 17.16.150 of the Pima County Code is amended to read:**

**17.16.150 Hazardous Waste, Hazardous Waste Fuel, Used Oil, and Used Oil Fuel Burning Equipment.**

A. Any person who plans to burn hazardous waste, hazardous waste fuel, used oil, or used oil fuel shall obtain a permit from the control officer for the equipment that will be used.

B. Any permit issued for or including equipment burning hazardous waste, hazardous waste fuel, used oil or used oil fuel shall contain, at minimum, conditions governing:

1. Limitations on the types, amounts, and feed rates of the fuel being burned.
2. The frequency and type of fuel testing to be conducted by the permittee.
3. The frequency and type of emissions testing or monitoring to be conducted by the permittee.
4. Requirements for record keeping and reporting.

5. Numeric emission limitations expressed in pounds per hour and tons per year for air contaminants to be emitted from the equipment burning the hazardous waste, hazardous waste fuel, used oil, or used oil fuel.

C. Any operating permit issued for equipment burning hazardous waste or hazardous waste fuel shall require, at minimum:

1. Monthly testing of the hazardous waste or hazardous waste fuel using the test methods previously approved by the control officer;
2. Each hazardous waste or hazardous waste fuel constituent identified by listing its Chemical Abstract Services Registry (CAS) number and concentration as percent by weight of the sample;
3. Annual, or more frequent, sampling of exhaust gasses from the equipment using the sampling method previously approved by the control officer;
4. Total mass emission concentrations equal to or less than 0.00053 micrograms per cubic meter; and

5. Monthly reports mailed to the control officer that document sampling and testing results. (Ord. 1994-\_\_\_\_ § \_\_, 1994; Ord. 1993-128 § 4 (part), 1993; Ord. 1991-136 § 11, 1991)

**Section 53. That section 17.16.160 of the Pima County Code is amended to read:**

17.16.160 Standards of performance for fossil-fuel fired steam generators and general fuel burning equipment.

**A. This Section applies to the following:**

1. Sources in which fuel is burned for the primary purpose of producing power, steam, hot water, hot air or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitation shall apply, except for wood waste burners as regulated under 17.16.170.

2. All fossil-fuel fired steam generating units or general fuel burning equipment which are greater than or equal to 73 megawatts capacity.

**B.** For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat content of solid fuel shall be determined in accordance with 17.12.040. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit.

**C.** No person shall cause, allow or permit the emission of particulate matter in excess of the amounts calculated by one of the following equations:

1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 1.02Q^{0.769}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

Q = the heat input in million Btu per hour.

2. For equipment having a heat input rate greater than 4200 million Btu/hr, the maximum allowable emissions shall be determined by the following equation:

$$E = 17.0Q^{0.432}$$

where "E" and "Q" have the same meaning as in paragraph 1. of this subsection.

**D. When low sulfur oil is fired:**

1. Existing fuel burning equipment or steam power generating installations which commenced construction or a major alteration prior to May 30, 1972 shall not emit more than 1.0 pound of sulfur dioxide maximum three hour average, per million Btu (430 nanograms per joule) heat input.

2. Existing fuel burning equipment or steam power generating installations which commenced construction or a major alteration after May 30, 1972 shall not emit more than 0.80 pounds of sulfur dioxide maximum three hour average per million Btu (340 nanograms per joule) heat input.

E. When high sulfur oil is fired all existing steam power generating and general fuel burning installations which are subject to the provisions of this Section shall not emit more than 2.2 pounds of sulfur dioxide maximum three-hour average per million Btu (946 nanograms per joule) heat input.

F. When solid fuel is fired:

1. Existing general fuel burning equipment and steam power generating installations which commenced construction or a major alteration prior to May 30, 1972 shall not emit more than 1.0 pound of sulfur dioxide maximum three-hour average, per million Btu (430 nanograms per joule) heat input.

2. Existing general fuel burning equipment and steam power generating installations which commenced construction or a major alteration after May 30, 1972 shall not emit more than 0.80 pounds, maximum three-hour average, per million Btu (340 nanograms per joule) heat input.

G. Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee, unless the applicant demonstrates to the satisfaction of the control officer that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to insure that the sulfur dioxide ambient air quality standards set forth in Chapter 17.08, Article I will not be violated.

1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.

2. In cases where the permittee is authorized to use high sulfur oil it shall submit to the control officer monthly reports detailing its efforts to obtain low sulfur oil.

3. When the conditions justifying the use of high sulfur oil no longer exist, the permit shall be modified accordingly.

4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.

H. Existing steam power generating installations which commenced construction or a major alteration after May 30, 1972 shall not emit nitrogen oxides in excess of the following amounts:

1. 0.20 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when gaseous fossil fuel is fired.

2. 0.30 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when liquid fossil fuel is fired.

3. 0.70 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when solid fossil fuel is fired.

I. Emission and fuel monitoring systems, where deemed necessary by the control officer for sources subject to the provisions of this Section, shall conform to the requirements of 17.12.060.

J. The applicable reference methods given in the Appendices to 40 CFR 60 shall be used to determine compliance with the standards as prescribed in subsections C through G and I of this Section. All tests shall be run at the heat input calculated under subsection (B) of this Section. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993)

**Section 54.** That section 17.16.165 of the Pima County Code is amended to read:

**17.16.165** Standards of performance for fossil-fuel fired industrial and commercial equipment.

A. This Section applies to industrial and commercial installations which are less than 73 megawatts capacity (250 million British thermal units per hour); but in the aggregate on any premises are rated at greater than 500,000 British thermal units per hour (0.146 megawatts); and in which fuel is burned for the primary purpose of producing steam, hot water, hot air or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or byproducts of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.

B. For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat content of solid fuel shall be determined in accordance with 17.12.220. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit. The total heat input of all fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

C. No person shall cause, allow or permit the emission of particulate matter, caused by combustion of fuel, from any fuel-burning operation in excess of the amounts calculated by one of the following equations:

1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 1.02Q^{0.769}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

Q = the heat input in million Btu per hour.

2. For equipment having a heat input rate greater than 4200 million Btu/hr, the maximum allowable emissions shall be determined by the following equation:

$$E = 17.0Q^{0.432}$$

where "E" and "Q" have the same meanings as in subdivision 1 of this subsection.

D. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

E. Fossil-fuel fired industrial and commercial equipment installations shall not emit more than 1.0 pounds of sulfur dioxide per million Btu heat input when low sulfur oil is fired.

F. Fossil-fuel fired industrial and commercial equipment installations shall not emit more than 2.2 pounds of sulfur dioxide per million Btu heat input when high sulfur oil is fired.

G. Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee. This condition may be omitted from the permit if the applicant demonstrates to the satisfaction of the control officer both that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to insure that the sulfur dioxide ambient air quality standards set forth in 17.08.020 will not be violated.

1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.

2. In cases where the permittee is authorized to use high sulfur oil it shall submit to the control officer monthly reports detailing its efforts to obtain low sulfur oil.

3. When the conditions justifying the use of high sulfur oil no longer exist, the permit shall be modified accordingly.

4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.

H. When coal is fired, fossil-fuel fired industrial and commercial equipment installations shall not emit more than 1.0 pound of sulfur dioxide per million Btu heat input.

I. The owner or operator subject to the provisions of this Section shall install, calibrate, maintain and operate a continuous monitoring system for measurement of the opacity of emissions discharged into the atmosphere from the control device.

J. For the purpose of reports required under excess emissions reporting required by 17.12.180, the owner or operator shall report all six-minute periods in which the opacity of any plume or effluent exceeds 15 percent.

K. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards as prescribed in this Section.

- a. Method 1 for selection of sampling site and sample traverses.
- b. Method 3 for gas analysis to be used when applying Reference Methods 5 and 6.
- c. Method 4 and 5 for concentration of particulate matter and the associated moisture content.
- d. Method 6 for concentration of SO<sub>2</sub>.

2. For Method 5, Method 1 shall be used to select the sampling site and the number of traverse sampling points. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf), except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the control officer. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature no greater than 160°C (320°F).

3. For Method 6, the sampling site shall be the same as that selected for Method 5. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft). For Method 6, the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

4. For Method 6, the minimum sampling time shall be 20 minutes and the minimum sampling volume 0.02 dscm (0.71 dscf) for each sample. The arithmetic mean of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals.

5. Gross calorific value shall be determined in accordance with the applicable ASTM methods: D-2015-91 (Test for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter) for solid fuels, D-240-87 (Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter) for liquid fuels, and D-1826-88 (Test Method for Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter) for gaseous fuels.



The rate of fuels burned during each testing period shall be determined by suitable methods and shall be confirmed by a material balance over the fossil-fuel fired system. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993)

**Section 55. That section 17.16.180 of the Pima County Code is amended to read:**

**17.16.180 Standards of performance for portland cement plants.**

A. The provisions of this Section are applicable to the following affected facilities in portland cement plants: kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems.

B. No person shall cause, allow or permit the discharge of particulate matter from any identifiable process source within any existing cement plant subject to the provisions of this Section which exceeds the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 33,700 pounds per hour (16.85 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 4.10P^{0.67}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate of greater than 33,700 pounds per hour (16.85 tons per hour) but no more than 250,000 pounds per hour (125 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31 P^{0.16}$$

where:

"E" and "P" are defined as indicated in subdivision 1. of this subsection.

3. For kilns having a process weight rate of greater than 250,000 pounds per hour (125 tons per hour), the maximum allowable emissions shall not exceed 0.30 pounds of particulate matter per ton of process weight.

4. For clinker coolers having a process weight rate of greater than 250,000 pounds per hour (125 tons per hour), the maximum allowable emissions shall not exceed 0.10 pounds of particulate matter per ton of process weight, maximum 2-hour average.

C. No process source within any portland cement plant shall exceed 20 percent opacity.

D. No person shall cause, allow or permit discharge into the atmosphere of an amount in excess of six pounds of sulfur oxides, calculated as sulfur dioxide, per ton cement kiln feed from cement plants subject to the provisions of this Section.

E. The owner or operator of any portland cement plant subject to the provisions of this Section shall record the daily production rates and the kiln feed rates.

F. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A, except as provided for in 17.12.050 shall be used to determine compliance with the standards prescribed in subsection B of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the minimum sampling time and minimum sample volume for each run except when process variables or other factors justifying otherwise to the satisfaction of the control officer, shall be as follows:

- a. 60 minutes and 0.85 dscm (30.0 dscf) for the kiln,
- b. 60 minutes and 1.15 dscm (40.6 dscf) for the clinker cooler.

3. Total kiln feed rate, except fuels, expressed in metric tons per hour on a dry basis, shall be both:

- a. Determined during each testing period by suitable methods; and
- b. Confirmed by a material balance over the production system.

4. For each run, particulate matter emissions, expressed in g/metric ton of kiln feed, shall be determined by dividing the emission rate in g/hr by the kiln feed rate. The emission rate shall be determined by the equation,  $g/hr = Q_v \times c$ , where  $Q_v$  = volumetric flowrate of the total effluent in dscm/hr as determined in accordance with paragraph 1.c. of this subsection, and  $c$  = particulate concentration in g/dscm as determined in accordance with paragraph 1.a. of this subsection.

G. Pursuant to A.R.S. § 49-402(D), the provisions of subsections 17.16.010 (D) and (E) and section 17.16.150 shall be applicable to state regulated portland cement plants. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993)

**Section 56. That section 17.16.290 of the Pima County Code is amended to read:**

**17.16.290 Standards of performance for primary copper smelters; compliance and monitoring.**

A. For purposes of this section, if ADEQ delegates authority for primary copper smelters to the department, the term "director" shall mean "control officer" and "ADEQ" shall mean the "department".

B. The cumulative occurrence and emission limits specified in 17.16.280.F. shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur dioxide control and removal equipment, but not including uncaptured fugitive emissions and those emissions due solely to the use of fuel for space heating or steam generation.

C. Periods of malfunction, startup, shutdown or other upset conditions shall not be excluded when determining compliance with the cumulative occurrence or annual average emission limits specified in 17.16.280.F.

D. Compliance with the cumulative occurrence and emission limits contained in 17.16.280.F. shall be determined as follows:

1. Annual average emissions shall be calculated at the end of each day by averaging the emissions for all hours measured during the compliance period ending on that day. An annual emissions average in excess of the allowable annual average emission limit will be considered a violation if either:

- a. The annual average is larger than the annual average computed for the preceding day; or
- b. The annual averages computed for the five preceding days all exceed the allowable annual average emission limit.

2. Three-hour emissions averages shall be calculated at the end of each clock hour by averaging the hourly emissions for the preceding three consecutive hours whenever each such hour was measured in accordance with the requirements contained in subsection K of this Section.

E. For purposes of this Section, the compliance date, unless otherwise provided in a consent decree or a delayed compliance order, shall be January 14, 1986.

F. For purposes of subsection C. of this Section, a three-hour emissions average in excess of an emission level (E) will be considered to violate the associated cumulative occurrence limit (n) listed in 17.16.280.F. if both:

1. The number of all three-hour emissions averages measured during the compliance period in excess of that emission level exceeds the cumulative occurrence limit associated with the emission level; and
2. The average was measured during the last operating day of the compliance period being reported.

G. A three-hour emissions average can only violate the cumulative occurrence limit (n) of an emission level (E) in the day containing the last hour in the average.

H. Multiple violations of a cumulative occurrence limit in the same day and violations of different cumulative limits in the same day shall constitute a single violation of the requirements of 17.16.280.

I. The violation of any cumulative occurrence limit and an annual average emission limit in the same day shall constitute only a single violation of the requirements of 17.16.280.

J. Multiple violations of a cumulative occurrence limit by different three-hour emissions averages containing any common hour shall constitute a single violation of the requirements of 17.16.280.

K. For purposes of determining compliance with subsections C through I of this Section, the compliance period shall consist of the 365 calendar days immediately preceding the end of each day of the month being reported unless that period includes less than 300 operating days. In such case the number of days preceding the last day of the compliance period shall be increased until the compliance period contains 300 operating days. Any day in which sulfur containing feed is introduced into the smelting process constitutes an operating day.

L. For purposes of determining compliance with the cumulative occurrence and emission limits contained in 17.16.280.F., the owner or operator of any smelter subject to such limits shall install, calibrate, maintain, and operate a measurement system for continuously monitoring sulfur dioxide concentrations and stack gas volumetric flow rates in each stack which could emit five percent or more of the allowable annual average sulfur dioxide emissions from the smelter.

1. Such measurement system shall also continuously monitor sulfur dioxide concentrations and stack gas volumetric flow rates in the outlet of each piece of sulfur dioxide control equipment.

2. Captured fugitive emissions shall be continuously monitored for sulfur dioxide concentrations and stack gas volumetric flow rates, and these emissions shall be included as part of total plant emissions when determining compliance with the cumulative occurrence and emission limits contained in 17.16.280.F.

3. If the owner or operator can demonstrate to the director that measurement of stack gas volumetric flow in the outlet of any particular piece of sulfur dioxide control equipment would yield inaccurate results or would be technologically infeasible, then the director may allow measurement of the flow rate at an alternative sampling point.

4. For purposes of this subsection, continuous monitoring means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack, outlet or other approved measurement location in each 15-minute period. An hour of smelter emissions shall be considered to have been continuously monitored if the emissions from all monitored stacks, outlets or other approved measurement locations are measured for at least 45 minutes of any hour in accordance with the requirements of this subsection.

5. The continuous monitoring system described in this subsection shall meet all of the following requirements:

a. No later than 18 months prior to the compliance date and at such other times as the director may specify, the stack gas volumetric flow rate measurement system installed and operated pursuant to this Section shall be demonstrated to meet the performance specifications prescribed in 40 CFR 52, Appendix E.

b. No later than 18 months prior to the compliance date and at such other times as the director may specify, the sulfur dioxide concentration measurement system installed and operated pursuant to this Section shall be demonstrated to meet the measurement system performance specifications prescribed in 40 CFR 52, Appendix D, except that "maximum anticipated concentration" shall be substituted for "emission standard" in "Table I -- Performance Specifications."

c. The demonstrations of measurement systems performance required by paragraphs a and b of this subdivision shall be conducted in accordance with the field test procedures prescribed by 40 CFR 52, Appendices D and E. The director shall be notified at least 30 days in advance of the start of the field tests.

d. Location of all sampling points for monitoring sulfur dioxide concentrations and stack gas volumetric flow rates shall be approved in writing by the director prior to installation and operation of measurement instruments.

e. The measurement system installed and used pursuant to this subsection shall be subject to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

M. Failure of the owner or operator of a smelter subject to this Section to measure at least 95 percent of the hours during which emissions occurred in any month shall constitute a violation of this Section.

N. Failure of the owner or operator of a smelter subject to this Section to measure any 12 consecutive hours of emissions in accordance with the requirements of subsection K of this Section shall constitute a violation of this Section.

O. The owner or operator of any smelter subject to this Section shall maintain on hand and ready for immediate installation sufficient spare parts or duplicate systems for the continuous monitoring equipment required by this Section to allow for the replacement within six hours of any monitoring equipment part which fails or malfunctions during operation.

P. As a means of determining total overall emissions, the owner or operator of any smelter subject to this Section shall perform material balances for sulfur in accordance with the procedures prescribed by Appendix 8 of A.A.C., Title 8, chapter 2.

Q. The owner or operator of any smelter subject to this Section shall maintain a record of all average hourly emissions measurements required to be measured by this Section. The record of such emissions shall be retained for at least two years following the date of measurement. All of the following measurement results shall be expressed as pounds per hour of sulfur dioxide and shall be summarized monthly and submitted to the director within 20 days after the end of each month:

1. For all periods described in subsection C of this Section, the annual average emissions (expressed in pounds per hour) as calculated at the end of each day of the month;

2. The total number of hourly periods during the month in which measurements were not taken and the reason for loss of measurement for each period;

3. The number of three-hour emissions averages which exceeded each of the applicable emissions levels listed in 17.16.280.F. for the compliance periods ending on each day of the month being reported;

4. The date on which a cumulative occurrence limit listed in 17.16.280.F. was exceeded if such exceedance occurred during the month being reported.

R. The owner or operator of a smelter subject to this Section shall submit a proposed compliance schedule to the director which demonstrates that the emission limits of 17.16.280.F. will be achieved at the smelter as expeditiously as practicable, but no later than the compliance date.

S. The schedule submitted pursuant to subsection R of this Section shall include increments of progress and the date for achievement of such increments. The increments of progress shall include all of the following:

1. No later than 30 months prior to the compliance date, submission to the director of a final control plan for meeting the emission limits in 17.16.280.F.;

2. No later than 28 months prior to the compliance date, letting of contracts or issuance of purchase orders for any process or control equipment necessary to accomplish the required emission control;

3. No later than 24 months prior to the compliance date, initiation of any necessary on-site construction or initiation of any necessary installation of emission control equipment or process modification;

4. No later than 24 months prior to the compliance date, submission of the fugitive emissions evaluation prescribed in 17.16.300.B. through D, including a compliance plan for installation of any additional fugitive emission control equipment necessary to assure attainment and maintenance of the applicable ambient air quality standards in the vicinity of the smelter;

5. No later than 18 months prior to the compliance date, the initiation of the demonstrations of stack gas volumetric flow rate and sulfur dioxide concentration measurement systems required by subsections ~~K~~ L.5.a. and b.

6. No later than three months prior to the compliance date, completion of any necessary on-site construction, or installation of emission control equipment or process modification; and

7. No later than the compliance date, achievement of compliance with the emission limits in 17.16.280.F.

T. The owner or operator shall certify to ADEQ, within 15 days after the deadline for completion of each increment, whether the required increment of progress has been met.

U. At each point in the smelter facility where a means exists to bypass the sulfur removal equipment, such bypass shall be instrumented and monitored to detect and record all periods that the bypass is in operation. Each owner or operator of a copper smelter shall report to the Director, not later than the fifteenth day of each month, the information required to be recorded by this Section. Such report shall include an explanation for the necessity of the use of the bypass. (Ord. 1994-\_\_\_ § \_\_, 1994; Ord. 1993-128 § 4 (part), 1993)

**Section 57. That section 17.16.400 of the Pima County Code is amended to read:**

**17.16.400 Organic solvents and other organic materials.**

A. No person shall transport or store VOCs without taking necessary and feasible measures to control evaporation, leakage or other discharge into the atmosphere.

B. Emissions of organic solvents from dry cleaning equipment not using perchloroethylene shall be minimized by applying the following controls:

1. Pipe and hose fittings, flanges, valves, seals, storage-container covers, and other equipment must be serviced and maintained so that no liquid solvent leaks from any portion of the equipment;

2. Solvents must be stored in closed containers whose vents are no larger than the minimum diameter necessary for breathing;

3. Equipment, openings (e.g., washer lint traps, button traps, access doors, and other parts) must be kept closed except as required for proper operation and maintenance;

4. A dry cleaning operation which used chlorinated synthetic solvents other than perchloroethylene shall:

a. Cook the residual diatomaceous earth (in the solvent filter) sufficiently so that the wet material contains no more than twenty-five percent solvent (by weight) before being exposed to the atmosphere,

b. Prevent exposure to the atmosphere of residue from the solvent which contains more than sixty percent solvent by weight, and

c. Drain the cartridge filters for at least twenty-four hours in the filter housing before disposing in accordance with applicable rules for hazardous waste, as the case may apply; and

5. A newly installed dry cleaning system or machine not using perchloroethylene and having a rated capacity of at least thirty pounds must be constructed, operated, and maintained so as to reduce emissions from the washer and dryer exhaust by at least ninety percent.

6. Dry cleaning equipment using perchloroethylene shall comply with the provisions of 40 CFR 63, Subpart M (as amended) and chapter 17.16, Article VII.

C. This subsection applies only to surface coating, solvent surface cleaning, and solvent degreasing, and other operations engaged in the employment or application of organic solvents. The provisions of 40 CFR 52.254,(b) through (n) in effect on July 1, 1993 are hereby adopted by reference and made a part hereof. 40 CFR 52.254 (b) shall apply to new sources only.

1. No person shall conduct any spray paint operation without minimizing organic solvent emissions. Such operations other than architectural coating and spot painting, shall be conducted in an enclosed area equipped with controls containing no less than 96 percent of the overspray.

2. No owner or operator of a facility engaged in the surface coating of miscellaneous metal parts and products may operate a coating application system subject to this Section that emits volatile organic compounds in excess of any of the following:

a. 4.3 pounds per gallon (0.5 kilograms per liter) of coating, excluding water, delivered to a coating applicator that applies clear coatings.

b. 3.5 pounds per gallon (0.42 kilograms per liter) of coating, excluding water delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to 194 °F (90 °C).

c. 3.5 pounds per gallon (0.42 kilograms per liter) of coating, excluding water, delivered to a coating applicator that applies extreme performance coatings.

d. 3.0 pounds per gallon (0.36 kilograms per liter) of coating, excluding water, delivered to a coating applicator for all other coatings and coating application systems.

3. If more than one emission limitation in subdivision 2 of this subsection applies to a specific coating, then the least stringent emission limitation shall be applied.

4. All VOC emissions from solvent washings shall be considered in the emission limitations in subdivision 2 of this subsection, unless the solvent is directed into containers that prevent evaporation into the atmosphere.

D. This subsection applies to sources of VOCs not covered by subsections B and C of this section. No person shall operate any process, machine, article, equipment or other contrivance having the capability of emitting more than 2.4 lbs/day of VOCs without reducing actual emissions and concentration through the following:

1. The source operator shall propose RACT for each new applicable source prior to installing or operating the source. The control officer will review and approve/disapprove each proposed RACT on a case by case basis.

E. No person shall store or remediate soil contaminated with organic materials that emits more than 2.4 lbs/day of a regulated air pollutant without reducing actual emissions and concentration through the use of RACT approved by the control officer.

F. This rule does not apply to operations that are specifically covered in 17.16.230 of this Title. (Ord. 1994-\_\_\_\_ § \_\_, 1994; Ord. 1993-128 § 4 (part), 1993; Ord. 1991-136 § 13, 1991; Ord. 1987-175 § 21, 1987; Ord. 1983-196 (part), 1983; Ord. 1979-93 (part), 1979)

**Section 58.** That section 17.16.430 of the Pima County Code is amended to read:

**17.16.430** Standards of performance for unclassified sources.

A. No existing source which is not otherwise subject to standards of performance under this Article or Chapter 17.16, Article VI or Chapter 17.16, Article VII shall cause or permit the emission of pollutants at rates greater than the following:

1. For particulate matter discharged into the atmosphere in any one hour from any unclassified process source in total quantities in excess of the amounts calculated by one of the following equations:

a. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight in tons-mass per hour.

b. For process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in paragraph a of this subdivision.

2. Sulfur dioxide -- 600 parts per million.

3. Nitrogen oxides expressed as NO(2) -- 500 parts per million.

B. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. No person shall emit gaseous or odorous materials from equipment, operations or premises under his control in such quantities or concentrations as to cause air pollution.

E. No person shall operate or use any machine, equipment or other contrivance for the treatment or processing of animal or vegetable matter, separately or in combination, unless all gaseous vapors and gas entrained effluents from such operations, equipment or contrivance have been either:

1. Incinerated to destruction, as indicated by a temperature measuring device, at not less than 1,200 degrees Fahrenheit if constructed or reconstructed prior to January 1, 1989, or 1600 degrees Fahrenheit with a minimum residence time of 0.5 seconds if constructed or reconstructed thereafter; or

2. Passed through such other device which is designed, installed and maintained to prevent the emission of odors or other air contaminants and which is approved by the control officer.

F. Materials including solvents or other volatile compounds, paints, acids, alkalies, pesticides, fertilizers and manure shall be processed, stored, used and transported in such a manner and by such means that they will not evaporate, leak,



escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution. Where means are available to reduce effectively the contribution to air pollution from evaporation, leakage or discharge, the installation and use of such control methods, devices, or equipment shall be mandatory.

G. Where a stack, vent or other outlet is at such a level that fumes, gas mist, odor, smoke, vapor or any combination thereof constituting air pollution are discharged to adjoining property, the control officer may require the installation of abatement equipment or the alteration of such stack, vent or other outlet by the owner or operator thereof to a degree that will adequately dilute, reduce or eliminate the discharge of air pollution to adjoining property.

H. No person shall allow hydrogen sulfide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume for any averaging period of 30 minutes or more.

I. No person shall cause, allow or permit discharge from any stationary source carbon monoxide emissions without the use of complete secondary combustion of waste gases generated by any process source.

J. No person shall allow hydrogen cyanide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.3 parts per million by volume for any averaging period of eight hours.

K. No person shall allow sodium cyanide dust or dust from any other solid cyanide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 140 micrograms per cubic meter for any averaging period of eight hours. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993)

**Section 59. That section 17.16.490 of the Pima County Code is amended to read:**

**17.16.490 Standards of performance for new stationary sources (NSPS).**

A. Except as provided in subsections B, C and D of this section, and 17.16.500 through 17.16.520, the following subparts of 40 CFR Part 60, and accompanying appendices, the federal standards of performance for new stationary sources, adopted as of July 1, 1993, except for adoption dates as specified below, are incorporated herein by reference. These standards are on file with the Office of the Secretary of State and with the Department and shall be applied by the Department.

1. Subpart A - General Provisions.
2. Subpart D - Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971.
3. Subpart Da - Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.
4. Subpart Db - Industrial-Commercial-Institutional Steam Generating Units.
5. Subpart Dc - Small Industrial-Commercial-Institutional Steam Generating Units.
6. Subpart E - Incinerators.
7. Subpart Ea - Municipal Waste Combustors.
8. Subpart F - Portland Cement Plants.
9. Subpart G - Nitric Acid Plants.
10. Subpart H - Sulfuric Acid Plants.
11. Subpart I - Hot Mix Asphalt Facilities.
12. Subpart J - Petroleum Refineries.

13. Subpart K - Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.
14. Subpart Ka - Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.
15. Subpart Kb - Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
16. Subpart L - Secondary Lead Smelters.
17. Subpart M - Secondary Brass and Bronze Ingot Production Plants.
18. Subpart N - Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.
19. Subpart Na - Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.
20. Subpart O - Sewage Treatment Plants.
21. Subpart P - Primary Copper Smelters.
22. Subpart Q - Primary Zinc Smelters.
23. Subpart R - Primary Lead Smelters.
24. Subpart S - Primary Aluminum Reduction Plants.
25. Subpart T - Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
26. Subpart U - Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
27. Subpart V - Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
28. Subpart W - Phosphate Fertilizer Industry: Triple Superphosphate Plants.
29. Subpart X - Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
30. Subpart Y - Coal Preparation Plants.
31. Subpart Z - Ferroalloy Production Facilities.
32. Subpart AA - Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983.
33. Subpart AAa - Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.
34. Subpart BB - Kraft Pulp Mills.
35. Subpart CC - Glass Manufacturing Plants.
36. Subpart DD - Grain Elevators.
37. Subpart EE - Surface Coating of Metal Furniture.
38. Subpart GG - Stationary Gas Turbines.
39. Subpart HH - Lime Manufacturing Plants.
40. Subpart KK - Lead-Acid Battery Manufacturing Plants.
41. Subpart LL - Metallic Mineral Processing Plants.
42. Subpart MM - Automobile and Light Duty Truck Surface Coating Operations.
43. Subpart NN - Phosphate Rock Plants.
44. Subpart PP - Ammonium Sulfate Manufacture.
45. Subpart QQ - Graphic Arts Industry: Publication Rotogravure Printing.
46. Subpart RR - Pressure Sensitive Tape and Label Surface Coating Operations.
47. Subpart SS - Industrial Surface Coating: Large Appliances.
48. Subpart TT - Metal Coil Surface Coating.
49. Subpart UU - Asphalt Processing and Asphalt Roofing Manufacture.
50. Subpart VV - Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
51. Subpart WW - Beverage Can Surface Coating Industry.
52. Subpart XX - Bulk Gasoline Terminals.
53. Subpart AAA - New Residential Wood Heaters.
54. Subpart BBB - Rubber Tire Manufacturing Industry.
55. Subpart DDD - Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.

- 56. Subpart FFF - Flexible Vinyl and Urethane Coating and Printing.
- 57. Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries.
- 58. Subpart HHH - Synthetic Fiber Production Facilities.
- 59. Subpart III - Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
- 60. Subpart JJJ - Petroleum Dry Cleaners.
- 61. Subpart KKK - Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
- 62. Subpart LLL - Onshore Natural Gas Processing; SO<sub>2</sub> Emissions.
- 63. Subpart NNN - Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
- 64. Subpart OOO - Nonmetallic Mineral Processing Plants.
- 65. Subpart PPP - Wool Fiberglass Insulation Manufacturing Plants.
- 66. Subpart QQQ - VOC Emissions From Petroleum Refinery Wastewater Systems.
- 67. Subpart RRR - Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical manufacturing Industry (SOCMI) Reactor Processes (58 FR 45962, August 31, 1993).
- 68. Subpart SSS - Magnetic Tape Coating Facilities.
- 69. Subpart TTT - Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
- 70. Subpart UUU - Calcines and Dryers in Mineral Industries.
- 71. Subpart VVV - Polymeric Coating of Supporting Substrates Facilities.

B. As used in 40 CFR Part 60: "Administrator" means the control officer, except that the control officer shall not be empowered to approve alternate or equivalent test methods nor to deal with equivalency determinations or innovative technology waivers.

C. From the general standards identified in subsection A, delete the following:

1. 40 CFR 60.4. All requests, reports, applications, submittals and other communication to the control officer pursuant to this article shall be submitted to the Pima County Department of Environmental Quality, 130 W. Congress, Tucson, AZ 85701.

2. 40 CFR 60.5, and 60.6.

D. The control officer shall not be delegated authority to deal with equivalency determinations or innovative technology waivers as covered in sections 111(h)(3) and 111(j) of the Act. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993); Ord. 1991-136 § 15, 1991: Ord. 1990-113 § 6, 1990: Ord. 1989-165 § 21, 1989: Ord. 1988-117 § 2, 1988: Ord. 1986-227 § 1 (part), 1986: Ord. 1985-126 (part), 1985: Ord. 1983-196 (part), 1983)

**Section 60.** That section 17.16.530 of the Pima County Code is amended to read:

17.16.530 National Emissions Standards for Hazardous Air Pollutants (NESHAP).

A. Except as provided in subsections B, C, and D of this section, the following subparts of 40 CFR Part 61 (NESHAPs) and all accompanying appendices, adopted as of July 1, 1993 except for adoption dates as specified below, are incorporated by reference. These standards are and on file with the Office of the Secretary of State and the Department and shall be applied by the Department.

- 1. Subpart A - General Provisions.
- 2. Subpart C - Beryllium.
- 3. Subpart D - Beryllium Rocket Motor Firing.

4. Subpart E - Mercury.
5. Subpart F - Vinyl Chloride.
6. Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene.
7. Subpart L - Benzene Emissions from Coke By-Product Recovery Plants.
8. Subpart M - Asbestos.
9. Subpart N - Inorganic Arsenic Emissions from Glass Manufacturing Plants.
10. Subpart O - Inorganic Arsenic Emissions from Primary Copper Smelters.
11. Subpart P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production.
12. Subpart V - Equipment Leaks (Fugitive Emission Sources).
13. Subpart Y - Benzene Emissions From Benzene Storage Vessels.
14. Subpart BB - Benzene Emissions from Benzene Transfer Operations.
15. Subpart FF - Benzene Waste Operations.

B. Except as provided in subsection A, the following subparts of 40 CFR Part 63, NESHAPs for Source Categories and all accompanying appendices, adopted as of July 1, 1993 except for adoption dates as specified below, are incorporated by reference. These standards are on file with the Office of the Secretary of State and with the Department and shall be applied by the Department.

1. Subpart D - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants.
2. Subpart L - National Emission Standards for Coke Oven Batteries. (58 FR 57911, October 27, 1993).
3. Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities (58 FR 49376, September 22, 1993 and 58 FR 66289, December 20, 1993).

C. When used in 40 CFR Part 61 or part 63, "Administrator" means the control officer except that the control officer shall not be authorized to approve alternate or equivalent test methods or alternate standards/work practices.

D. From the general standards identified in subsection A of this section delete 40 CFR 61.04. All requests, reports, applications, submittals and other communications to the Control Officer pursuant to this article shall be submitted to the Pima County Department of Environmental Quality, 130 W. Congress, Tucson, AZ 85701.

E. The control officer shall not be delegated authority to deal with equivalency determinations that are nontransferable through section 112(e)(3) of the Act. (Ord. 1994-\_\_\_ § \_\_\_, 1994; Ord. 1993-128 § 4 (part), 1993; Ord. 1991-136 § 14, 1991; Ord. 1988-117 § 1, 1988; Ord 1986-227 § 1 (part), 1986; Ord. 1985-126 (part), 1985; Ord. 1983-196 (part), 1983)

**Section 61. That section 17.16.540 of the Pima County Code is amended to read:**

17.16.540 Pima County requirements for asbestos renovation and demolition projects.

The control officer requires the following within Pima County in addition to the requirements of the asbestos NESHAP (40 CFR 61, subpart M).

A. Certification, training, and registration.

1. The following individuals shall register with the control officer and submit copies of current training certificates, color photocopy of identification card(s) issued by the AHERA training provider, and any other

documentation requested by the control officer prior to working at a NESHAP facility, conducting inspections of NESHAP facilities, designing asbestos abatement jobs or supervising asbestos abatement jobs at NESHAP facilities:

- a. Asbestos abatement workers,
- b. On-site asbestos abatement supervisors,
- c. Building inspectors, and
- d. Project designers;

2. The following contractors shall register with the control officer on a form provided by the department prior to conducting work at NESHAP facilities in Pima County:

- a. Asbestos abatement contractors;
- b. Demolition (wrecking) contractors;
- c. Re-roofing or roofing removal contractors involved with ACRM;
- d. General contractors removing or disturbing RACM from structures; and
- e. Flooring contractors removing vinyl asbestos tile and mastic materials.

3. Failure to register pursuant to subdivision 2 of this subsection shall be grounds for denial of issuance of Activity Permits for asbestos removal, renovation or demolition.

B. Inspection requirements. Building inspections pertaining to any demolition or renovation project must be accomplished by an AHERA accredited asbestos building inspector prior to the start of demolition or renovation. The results of such inspections, including negative declarations must be submitted to the control officer on a form approved by the control officer at the time of application for an activity permit. Demolition or renovation of one or two family dwelling units is exempt from this requirement.

C. Notification and permit requirements for NESHAP facilities.

1. Any asbestos abatement at a NESHAP facility shall be reported to PDEQ prior to renovation or demolition of the facility.

2. Renovation of a NESHAP facility which involves the disturbance of RACM or activities that would make the RACM inaccessible, in amounts greater than or equal to EPA threshold amounts of: 260 linear feet on pipes, 160 square feet on other facility components, or 35 cubic feet off facility components, and demolition of a NESHAP facility require the following:

- a. Ten working days notification to the control officer prior to the start of renovation or demolition activities.
- b. The results of the inspection of the facility conducted pursuant to subsection B of this section and evidence regarding how the renovation or demolition will affect any ACM identified in the inspection.
- c. An activity permit.
- d. Payment of the activity permit fee pursuant to Table 17.12.540.
- e. Removal of the affected RACM prior to the start of renovation or demolition.

D. Permit requirements for non-NESHAP facilities.

1. Renovation of a non-NESHAP facility which involves the disturbance of RACM or activities that would make the RACM inaccessible in residential structures in amounts greater than 260 linear feet on pipes, 160 square feet on other facility components, or 35 cubic feet off facility components, and demolition of residential structures containing asbestos require the following:

- a. Three working days notification to the control officer prior to the start of renovation or demolition activities.
- b. The results of the inspection of the facility conducted pursuant to subsection B of this section and evidence of how the renovation or demolition will affect any ACM identified in the inspection.
- c. An activity permit.
- d. Payment of the activity permit fee pursuant to Table 17.12.540.
- e. Removal of the affected RACM prior to the start of renovation or demolition.

Demolition or renovation of one or two family dwelling units is exempt from the requirements of this subsection, however, the requirements of section 17.12.470 may still apply.

E. Asbestos renovation and demolition standards.

1. Inspection viewing devices, at NESHAP facilities, are required at all asbestos renovation and abatement projects where RACM is being abated, except for roofing projects involving ACRM exclusively. These viewing devices shall be so designed as to allow inspector viewing from the outside, either through ports or by video monitoring.

2. The friable portion of ACM shall be kept adequately wet and contained in transparent, leak-tight wrapping or 6-mil poly bags to prevent dust emissions during removal, transport, storage, and proper landfill disposal following local, county, state, and federal regulations. Each wrapping or bag shall be labelled with the name and address of the location that generated the asbestos-containing material.

3. Any records obtained through the requirements of this section shall be retained for two years after the date of renovation or demolition.

4. In addition to any other penalties, any person who knowingly submits any record or document that is not complete and accurate is tampering with a public record and subject to prosecution under the provisions of A.R.S. 13-2407, Tampering with a public record.

F. Nothing in this section shall apply to ACM that does not qualify as RACM. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993)

**Section 62. That section 17.16.550 of the Pima County Code is amended to read:**

**17.16.550 General.**

A. No person shall commence construction of a new major source or the major modification of a source without first obtaining a permit or a permit revision from the control officer.

B. An application for a permit or permit revision under this Article shall not be considered complete unless the application demonstrates that:

1. The requirements in Subsection C. of this Section are met;

2. The more stringent of the applicable new source performance standards in Article VI or the existing source performance standards in Article IV are applied to the proposed new major source or major modification of a major source;

3. The visibility requirements contained in 17.16.630 are satisfied;

4. All applicable provisions of Chapter 17.12 are met;

5. The new major source or major modification will be in compliance with whatever emission limitation, design, equipment, work practice or operational standard, or combination thereof is applicable to the source or modification.

a. The degree of emission limitation required for control of any pollutant under this Article shall not be affected in any manner by:

(i) Stack height in excess of GEP stack height except as provided in 17.12.360, or,

(ii) Any other dispersion technique, unless implemented prior to December 31, 1970.

6. The new major source or major modification will not exceed the applicable standards for hazardous air pollutants contained in this Title.

7. The new major source or major modification will not exceed the limitations, if applicable, on emission from nonpoint sources contained in Article III of this chapter.

8. A stationary source that will emit 5 or more tons of lead per year will not violate the ambient air quality standards for lead as contained in 17.08.070.

9. The new major source or major modification will not have an adverse impact on visibility, as determined according to 17.16.630.

C. Except for assessing air quality impacts within Class I areas, the air impact analysis required to be conducted in connection with the filing for a permit shall initially consider only the geographical area located within a fifty (50) kilometer radius from the point of greatest emissions for the new major source or major modification. The control officer (on his own initiative or upon receipt of written notice from any person) shall have the right at any time to request an enlargement of the geographical area for which an air quality impact analysis is to be performed by giving the person applying for the permit or permit revision written notice thereof, specifying the enlarged radius to be so considered. In

performing an air impact analysis for any geographical area with a radius of more than fifty (50) kilometers, the person applying for the permit or permit revision may use monitoring or modeling data obtained from major sources having comparable emissions or having emissions which are capable of being accurately used in such demonstration, and which are subjected to terrain and atmospheric stability conditions which are comparable or which may be extrapolated with reasonable accuracy for use in such demonstration.

D. Unless the requirements have been satisfied pursuant to Chapter 17.12, the control officer shall comply with following requirements:

1. Within sixty days after receipt of an application for a permit or permit revision subject to this Article, or any addition to such application, the control officer shall advise the applicant of any deficiency, the date of receipt of the application shall be, for the purpose of this Section, the date on which the control officer received all required information. The permit application shall not be deemed complete if the control officer fails to meet the requirements of this subdivision.

2. A copy of any notice required by 17.12.340 shall be sent to the permit applicant, to the Administrator, and to the following officials and agencies having cognizance over the location where the proposed major source or major modification would occur:

a. The air pollution control officer, if one exists, for the county wherein the proposed or existing source that is the subject of the permit or permit revision application is located;

b. The county manager for the county wherein the proposed or existing source that is the subject of the permit or permit revision application is located;

c. The city or town managers of the city or town which contains, and any city or town the boundaries of which are within five miles of, the location of the proposed or existing source that is the subject of the permit or permit revision;

d. Any regional land use planning agency with authority for land use planning in the area where the proposed or existing source that is the subject of the permit or permit revision application is located; and

e. Any state, Federal Land Manager, or Indian governing body whose lands may be affected by emissions from the proposed source or modification.

3. The control officer shall take final action on the application within one year of the proper filing of the completed application. The control officer shall notify the applicant in writing of his approval or denial.

4. The control officer shall cancel a permit or permit revision under this Article if the proposed construction or major modification is not begun within 18 months of issuance, or if during the construction or major modification, work is suspended for more than 18 months. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993)

**Section 63. That section 17.16.560 of the Pima County Code is amended to read:**

**17.16.560 Permits for sources located in nonattainment areas.**

A. Except as provided in subsections C. through G. of this section, no permit or permit revision shall be issued to a person proposing to construct a new major source or make a major modification to a source located in any



nonattainment area for the pollutant(s) for which the source is classified as a major source or the modification is classified as a major modification unless:

1. The person demonstrates that the new major source or the major modification will meet an emission limitation which is the lowest achievable emission rate (LAER) for that source for that specific pollutant(s). In determining lowest achievable emission rate for a reconstructed stationary source, the provisions of 40 CFR 60.15(f)(4) shall be taken into account in assessing whether a new source performance standard is applicable to such stationary source.

2. The person demonstrates that all existing major sources owned or operated by that person (or any entity controlling, controlled by, or under common control with that person) in the State are in compliance or on a schedule of compliance with all conditions contained in permits of each of the sources and all other applicable emission limitations and standards under the Act and this Title.

3. The person demonstrates that emission reductions for the specific pollutant(s) from source(s) in existence in the allowable offset area of the new major source or major modification (whether or not under the same ownership) meet the offset and net air quality benefit requirements of 17.16.570.

B. No permit or permit revision under this Article shall be issued to a person proposing to construct a new major source or make a major modification to a major source located in a nonattainment area unless:

1. The person performs an analysis of alternative sites, sizes, production processes and environmental control techniques for such new major source or major modification; and

2. The control officer determines that the analysis demonstrates that the benefits of the new major source or major modification outweigh the environmental and social costs imposed as a result of its location, construction or modification.

C. At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as restriction on hours of operation, then the requirements of this Section shall apply to the source or modification as though construction had not yet commenced on the source or modification.

D. Secondary emissions shall not be considered in determining the potential to emit of a new source or modification and therefore whether the new source or modification is major. However, if a new source or modification is subject to this Section on the basis of its direct emissions, permit or permit revision under this Article to construct the new source or modification shall be denied unless the conditions specified in subdivisions 1. and 2. of Subsection A. of this Section are met for reasonably quantifiable secondary emissions caused by the new source or modification.

E. A permit to construct a new source or modification shall be denied unless the conditions specified in subdivisions 1., 2., and 3. of subsection A. of this Section are met for fugitive emissions caused by the new source or modification. However, these conditions shall not apply to a new major source or major modification that would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source is not either a categorical source or belongs to the category of sources for which New Source Performance Standards under 40 CFR Part 60 or National Emission Standards for Hazardous Air Pollutants under 40 CFR Part 61 were promulgated by the Administrator prior to August 7, 1980.

F. The requirements of A.3. of this Section shall not apply to temporary emission sources, such as pilot plants and portable sources, which are only temporarily located in the nonattainment area, are otherwise regulated by a permit, and are in compliance with the conditions of that permit.

G. A decrease in actual emissions shall be considered in determining the potential of a new source or modification to emit only to the extent that the control officer has not relied on it in issuing any permit or permit revision under this article or the State has not relied on it in demonstrating attainment or reasonable further progress.

H. Within 30 days of the issuance of any permit under this section, the control officer shall submit control technology information from the permit to the Administrator for the purposes listed in section 173(d) of the Act. (Ord. 1994-\_\_\_ § \_\_\_, 1994: Ord. 1993-128 § 4 (part), 1993)

**Section 64. That section 17.16.570 of the Pima County Code is amended to read:**

**17.16.570 Offset and net air quality benefit standards.**

A. Increased emissions by a major source or major modification subject to this Article shall be offset by reductions in the emissions of each pollutant for which the area has been designated as nonattainment and for which the source or modification is classified as major. Such offset may be obtained by reductions in emissions from the source or modification, or from any other source in existence within the allowable offset area, on the startup date of the new major source or major modification.

1. Credit for an emissions offset can be used only if it has not been relied upon in demonstrating attainment or reasonable further progress, and if it has not been relied upon previously in issuing a permit or permit revision under this Article pursuant to 17.16.550 and 17.16.560 or not otherwise required under this Chapter or under any provision of the SIP.

B. An offset shall not be sufficient unless reductions of total emissions for the particular pollutant for which the offset is required will be:

1. Obtained from sources within the allowable offset area;
2. Contemporary with the operation of the new major source or major modification;
3. Less than the baseline of the total emissions for that pollutant, except in ozone nonattainment areas classified as moderate, serious or severe; and
4. Sufficient to demonstrate that emissions from the new major source or major modification, together with the offset, will result in reasonable further progress for that pollutant.

C. In ozone nonattainment areas classified as marginal, total emissions of VOC and oxides of nitrogen from other sources shall offset those proposed or permitted from the major source or major modification by a ratio of at least 1.10 to 1. In ozone nonattainment areas classified as moderate, total emissions of VOC and oxides of nitrogen from other sources shall offset those proposed or permitted from the major source or major modification by a ratio of at least 1.15 to 1. New major sources and major modifications in serious and severe ozone nonattainment areas shall conform to the requirements of this section and 17.16.580.

H. For an existing fuel combustion source, offset credit shall be based on the allowable emissions under the regulations or permit conditions applicable to the source for the type of fuel being burned at the time the permit or permit revision application under this article is filed. If an existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the actual emissions for the fuels involved shall not be acceptable unless:

1. The permit or permit revision under this Article for the source specifically requires the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date; and,

2. The source demonstrates to the satisfaction of the control officer that it has secured an adequate long-term supply of the cleaner fuel.

I. Offsets shall be made on either a pounds-per-hour, pounds-per-day, or tons-per-year basis, whichever is applicable, when all facilities involved in the emission offset calculations are operating at their maximum expected or allowed production rate and, except as otherwise provided in subsection H. of this section, utilizing the type of fuel burned at the time the permit or permit revision application under this article is filed. A tons-per-year basis shall not be used if the new or modified source or the source offsets is not expected to operate throughout the entire year. No emissions credit may be allowed for replacing one VOC with another VOC of lesser reactivity.

J. Emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels may be credited, provided that the work force to be affected has been notified of the proposed shutdown or curtailment. No offset credit for shutdowns or curtailments shall be provided for emissions reductions that are necessary to bring a source into compliance with RACT or any other standard under an applicable implementation plan. Source shutdowns and curtailments in production or operating hours occurring prior to the date the new major source or major modification application is filed generally may not be used for emissions offset credit except as follows: where an applicant can establish that it shut down or curtailed production after August 7, 1977, or less than one year prior to the date of application for the permit or permit revision under this article, whichever is earlier, and the proposed new major source or major modification is a replacement for the shutdown or curtailment, credit for such shutdown or curtailment may be applied to offset emissions from the new source or modification.

K. The allowable offset area shall refer to the geographical area in which the sources whose emissions are being sought for purposes of offsetting emissions from a new major source or major modification are located. For the pollutants sulfur dioxide, particulate matter and carbon monoxide, the allowable offset area shall be determined by atmospheric dispersion modeling. If the emission offsets are obtained from a source on the same premises or in the immediate vicinity of the new major source or major modification, and the pollutants disperse from substantially the same effective stack height, atmospheric dispersion modeling shall not be required. The allowable offset area for all other pollutants shall be the nonattainment areas for those pollutants within which the new major source or major modification is to be located.

L. An emission reduction may only be used to offset emissions if the reduced level of emissions will continue for the life of the new source or modification and if the reduced level of emissions is federally and legally enforceable. It shall be considered legally enforceable if the following conditions are met by the time such source or modification commences operation:

1. The emission reduction is included as a condition in the permit of the source relied upon to offset the emissions from the new major source or major modification, or in the case of reductions from sources controlled by the applicant, is included as a condition of the permit or permit revision under this Article for the new major source or major modification, or is adopted as a part of these rules or comparable rules and regulations of any other governmental entity or is contractually enforceable by the Department.

2. The permit conditions, regulations, or contractual conditions containing, governing or otherwise describing the emission reduction have been approved by the Administrator for inclusion in the State Implementation Plan adopted pursuant to Section 110 of the Act (Implementation Plans). (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993)

**Section 65. That section 17.16.590 of the Pima County Code is amended to read:**

**17.16.590 Permit requirements for sources located in attainment and unclassifiable areas.**

A. Except as provided in Subsections B. through G. of this section and 17.16.610, Innovative control technology, no permit or permit revision under this Article shall be issued to a person proposing to construct a new major source or make a major modification to a major source that would be constructed in an area designated as attainment or unclassifiable for any pollutant unless the source or modification meets the following conditions:

1. A new major source shall apply best available control technology (BACT) for each pollutant listed in 17.04.340 (221)(a) for which the potential to emit is significant.

2. A major modification shall apply BACT for each pollutant listed in 17.04.340 (221)(a) for which the modification would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

3. For phased construction projects, the determination of BACT shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of each independent phase of the project. At such time the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of BACT for the source.

4. BACT shall be determined on a case by case basis and may constitute application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques, for control of such pollutant. In no event shall such application of BACT result in emissions of any pollutant, which would exceed the emissions allowed by any applicable new source performance standard or national emission standard for hazardous air pollutants under Articles VI and IX of this chapter. If the control officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

5. The person applying for the permit or permit revision under this Article performs an air impact analysis and monitoring as specified in 17.16.600 and such analysis demonstrates that allowable emission increases from the proposed new major source or major modification, in conjunction with all other applicable emission increases or reductions, including secondary emissions, for all pollutants listed in Table 17.08.150, and minor and mobile sources for oxides of nitrogen:

a. Would not cause or contribute to an increase in concentrations of any pollutant by an amount in excess of any applicable baseline concentration in Table 17.08.150 for any attainment or unclassified area; or

b. Would not contribute to an increase in ambient concentrations for a pollutant by an amount in excess of the significance level for such pollutant in any area in which Arizona primary or secondary ambient air quality standards for that pollutant are being violated. A new major source of volatile organic compounds or oxides of nitrogen,

or a major modification to a major source of volatile organic compounds or oxides of nitrogen shall be presumed to contribute to violations of the Arizona ambient air quality standards for ozone if it will be located within fifty (50) kilometers of a nonattainment area for ozone. The presumption may be rebutted for a new major source or major modification if it can be satisfactorily demonstrated to the control officer that emissions of volatile organic compounds or oxides of nitrogen from the new major source or major modification will not contribute to violations of the Arizona ambient air quality standards for ozone in adjacent nonattainment areas for ozone. Such a demonstration shall include a showing that topographical, meteorological or other physical factors in the vicinity of the new major source or major modification are such that transport of volatile organic compounds emitted from the source are not expected to contribute to violations of the ozone standards in the adjacent nonattainment areas.

6. Air quality models:

a. All estimates of ambient concentrations required under this Section shall be based on the applicable air quality models, data basis, and other requirements specified in the "Guideline on Air Quality Models (Revised)" (EPA-450/2-78-027R, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, research Triangle Park, N.C. 27711, July 1986), and "Supplement B to the Guideline on Air Quality Models" (U.S. Environmental Protection Agency, September 1990). Both documents shall be referred to hereinafter as "Guideline", and are adopted by reference and on file with the Secretary of State and with the Department.

b. Where an air quality impact model specified in the "Guideline" is inappropriate, the model may be modified or another model substituted. Such a change shall be subject to notice and opportunity for public comment. Written approval of the EPA Administrator shall be obtained for any modification or substitution.

B. The requirements of this Section shall not apply to a new major source or major modification to a source with respect to a particular pollutant if the person applying for the permit or permit revision under this Article demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment for the pollutant.

C. The requirements of this Section shall not apply to a new major source or major modification of a source if such source or modification would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source is not either among the Categorical Sources listed in Chapter 17.04, Article IX or belongs to the category of sources for which New Source Performance Standards under 40 CFR Part 60 or National Emission Standards for Hazardous Air Pollutants under 40 CFR Part 61 promulgated by the Administrator prior to August 7, 1980.

D. The requirements of this section shall not apply to a new major source or major modification to a source when the owner of such source is a nonprofit health or educational institution.

E. The requirements of this Section shall not apply to a portable source which would otherwise be a new major source or major modification to an existing source if such portable source is temporary, is under a permit or permit revision under this Article, is in compliance with the conditions of that permit or permit revision under this Article, the emissions from the source will not impact a Class I area nor an area where an applicable increment is known to be violated, and reasonable notice is given to the control officer prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the control officer not less than 10 calendar days in advance of the proposed relocation unless a different time duration is previously approved by the control officer.

F. Special rules applicable to Federal Land Managers:

1. Notwithstanding any other provision of this Section, a Federal Land Manager may present to the control officer a demonstration that the emissions attributed to such new major source or major modification to a source will have significant adverse impact on visibility or other specifically defined air quality related values of any Federal Mandatory area designated in 17.08.100.B. regardless of the fact that the change in air quality resulting from emissions attributable to such new major source or major modification to a source in existence will not cause or contribute to concentrations which exceed the maximum allowable increases for a Class I area specified in Table 17.08.150. If the control officer concurs with such demonstrations, the permit or permit revision under this Article shall be denied.

2. If the owner or operator of a proposed new major source or a source for which major modification is proposed demonstrates to the Federal Land Manager that the emissions attributable to such major source or major modification will have no significant adverse impact on the visibility or other specifically defined air quality related values of such areas and the Federal Land Manager so certifies to the control officer, the control officer may issue a permit or permit revision under this Article notwithstanding the fact that the change in air quality resulting from emissions attributable to such new major source or major modification will cause or contribute to concentrations which exceed the maximum allowable increases for a Class I area. Such a permit or permit revision under this Article shall require that such new major source or major modification comply with such emission limitations as may be necessary to assure that emissions will not cause increases in ambient concentrations greater than the following maximum allowable increases over baseline concentrations for such pollutants:

Maximum Allowable Increase  
(Micrograms per cubic meter)

Sulfur Oxide

Period of exposure

Low terrain areas:

24-hour maximum

36

3-hour maximum

130

High terrain areas:

24-hour maximum

62

4-hour maximum

221

G. The issuance of a permit or permit revision under this Article in accordance with this Section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

H. At such time that a particular source or modification becomes a major source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this Section shall apply to the source or modification as though construction had not yet commenced on the source or modification. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993)

**Section 66. That section 17.16.600 of the Pima County Code is amended to read:**

**17.16.600 Air quality impact analysis and monitoring requirements.**

A. Any application for a permit or permit revision under this Article to construct a new major source or major modification to a major source shall contain an analysis of ambient air quality in the area that the new major source or major modification would affect for each of the following pollutants:

1. For the new source, each pollutant that it would have the potential to emit in a significant amount;
2. For the modification, each pollutant for which it would result in a significant net emissions increase.

B. With respect to any such pollutant for which no Arizona ambient air quality standard exists, the analysis shall contain all air quality monitoring data as the control officer determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of the pollutant would affect.

C. With respect to any such pollutant (other than non-methane hydrocarbons) for which such a standard does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.

D. In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at least the year preceding receipt of the application, except that, if the control officer determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one year (but not to be less than four months), the data that is required shall have been gathered over at least that shorter period.

E. The owner or operator of a proposed stationary source or modification to a source of volatile organic compounds who satisfies all conditions of 40 CFR 51, Appendix S, Section IV, may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under Subsection B., C., and D. of this section.

F. Post-construction monitoring. The owner or operator of a new major source or major modification shall, after construction of the source or modification, conduct such ambient monitoring as the control officer determines is necessary to determine the effect emissions from the new source or modification may have, or are having, on air quality in any area.

G. Operations of monitoring stations. The owner or operator of a new major source or major modification shall meet the requirements of 40 CFR 58, Appendix B, during the operation of monitoring stations for purposes of satisfying Subsections B. through F. of this section.

H. The requirements of Subsections B. through G. of this section shall not apply to a new major source or major modification to an existing source with respect to monitoring for a particular pollutant if:

1. The emissions increase of the pollutant from the new source or the net emissions increase of the pollutant from the modification would cause, in any area, air quality impacts less than the following amounts:

Pollutant	Concentration	Averaging Time
Carbon Monoxide	575 $\mu\text{g}/\text{m}^3$	8 hour average
Nitrogen dioxide	14 $\mu\text{g}/\text{m}^3$	annual average
PM <sub>10</sub>	10 $\mu\text{g}/\text{m}^3$	24 hour average
Sulfur dioxide	13 $\mu\text{g}/\text{m}^3$	24 hour average
Lead	0.1 $\mu\text{g}/\text{m}^3$	24 hour average
Fluorides	0.25 $\mu\text{g}/\text{m}^3$	24 hour average
Total reduced sulfur	10 $\mu\text{g}/\text{m}^3$	1 hour average
Hydrogen sulfide	0.04 $\mu\text{g}/\text{m}^3$	1 hour average
Reduced sulfur compounds	10 $\mu\text{g}/\text{m}^3$	1 hour average
Ozone	increased emissions of less than 100 tons per year of volatile organic compounds or oxides of nitrogen;	

or,

2. The concentrations of the pollutant in the area that the new source or modification would affect are less than the concentrations listed in subdivision 1. of this subsection.

I. Any application for permit or permit revision under this Article to construct a new major source or major modification to a source shall contain:

1. An analysis of the impairment to visibility, soils and vegetation that would occur as a result of the new source or modification and general commercial, residential, industrial and other growth associated with the new source or modification. The applicant need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

2. An analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the new source or modification. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993)

Section 67. That section 17.16.610 of the Pima County Code is amended to read:

17.16.610 Innovative control technology.

A. Notwithstanding the provisions of 17.16.590.A.1., 17.16.590.A.2., and 17.16.590.A.3. the owner or operator of a proposed new major source or major modification may request that the control officer approve a system of innovative control technology rather than the best available control technology requirements otherwise applicable to the new source or modification.

B. The control officer shall approve the installation of a system of innovative control technology if the following conditions are met:



1. The owner or operator of the proposed source or modification satisfactorily demonstrates that the proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;

2. The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under 17.16.590.A.2. by a date specified in the permit or permit revision for the source. Such date shall not be later than four years from the time of start-up or seven years from permit or permit revision issuance;

3. The source or modification would meet requirements equivalent to those in 17.16.590.A. based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified in the permit or permit revision under this Article.

4. Before the date specified in the permit or permit revision under this Article, the source or modification would not:

a. Cause or contribute to any violation of an applicable State ambient air quality standard; or,

b. Impact any area where an applicable increment is known to be violated.

5. All other applicable requirements, including those for public participation contained in 17.12.340, have been met.

6. The control officer receives the consent of the governors of other affected states.

7. The limits on pollutants contained in 17.08.150 for Class I areas will be met for all periods during the life of the source or modification.

C. The control officer shall withdraw any approval to employ a system of innovative control technology made under this Section if:

1. The proposed system fails by the specified date to achieve the required continuous emissions reduction rate; or,

2. The proposed system fails before the specified date is so as to contribute to an unreasonable risk to public health, welfare, or safety; or,

3. The control officer decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

D. If the new source or major modification fails to meet the required level of continuous emissions reduction within the specified time period, or if the approval is withdrawn in accordance with Subsection C. of this section, the control officer may allow the owner or operator of the source or modification up to an additional three years to meet the requirement for the application of best available control technology through use of a demonstrated system of control. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993)

**Section 68. That section 17.16.630 of the Pima County Code is amended to read:**

**17.16.630 Visibility protection.**

A. For any new major source or major modification subject to the provisions of this ~~Chapter~~ title, no permit or permit revision under this Article shall be issued to a person proposing to construct or modify the source unless the applicant has provided:

1. An analysis of the anticipated impacts of the proposed source on visibility in any Class I areas which may be affected by the emissions from that source; and

2. Results of monitoring of visibility in any area near the proposed source for such purposes and by such means as the control officer determines are necessary and appropriate.

B. A determination of an adverse impact on visibility shall be made based on consideration of all of the following factors:

1. The times of visitor use of the area.

2. The frequency and timing of natural conditions in the area that reduce visibility.

3. All of the following visibility impairment characteristics:

- a. Geographic extent.
- b. Intensity.
- c. Duration.
- d. Frequency.
- e. Time of day.

4. The correlation between the characteristics listed in subdivision 3. of this Subsection and the factors described in subdivisions 1. and 2. of this Subsection.

C. The control officer shall not issue a permit or permit revision pursuant to this chapter or chapter 17.12 for any new major source or major modification subject to this title unless the following requirements have been met:

1. The control officer shall notify the individuals identified in subdivision 2. of this Subsection within 30 days of receipt of any advance notification of any such permit or permit revision application under this Article.

2. Within 30 days after receipt of the permit or permit revision application under this Article for a source whose emissions may affect a Class I area, the control officer shall provide written notification of the application to the Federal Land Manager and the federal official charged with direct responsibility for management of any lands within any such area. The notice shall:

a. Include a copy of all information relevant to the permit or permit revision application under this Article,

b. Include an analysis of the anticipated impacts of the proposed source on visibility in any area which may be affected by emissions from the source, and

c. Provide for no less than a 30 day period within which written comments may be submitted.

3. The control officer shall consider any analysis provided by the Federal Land Manager that is received within the comment period provided in Subdivision 2. of this Subsection.

a. Where the control officer finds that the analysis provided by the Federal Land Manager does not demonstrate to the satisfaction of the control officer that an adverse impact on visibility will result in the area, the control officer shall, within the public notice required under 17.12.340, either explain the decision or specify where the explanation can be obtained.

b. When the control officer finds that the analysis provided by the Federal Land Manager demonstrates to the satisfaction of the control officer that an adverse impact on visibility will result in the area, the control officer shall not issue a permit or permit revision under this Article for the proposed major new source or major modification.

4. When the proposed permit decision is made, pursuant to 17.12.160.I., and available for public review, the control officer shall provide the individuals identified in subdivision 2 of this subsection with a copy of the proposed permit decision and shall make available to them any materials used in making that determination. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993)

**Section 69. That section 17.16.640 of the Pima County Code is amended to read:**

17.16.640 Special rule for non-operating sources of sulfur dioxide in sulfur dioxide nonattainment areas.

A. If an emissions unit that is a major source of sulfur dioxide located in a sulfur dioxide nonattainment area has not operated for more than 24 consecutive calendar months, it may only be restarted if the owner or operator of such source does all of the following:

1. Demonstrates, according to the air quality impact analysis requirements of 17.16.590.A.5. and 6. that emissions from that unit, including fugitive emissions, will not cause or contribute to a violation of the ambient standard for sulfur dioxide in 17.08.020.

2. Demonstrates that startup of that unit will not require reconstruction; and

3. Submits a startup plan that includes a source testing plan.

B. The demonstration and plan shall be submitted at least 180 days prior to the expected day when the restarting of the non-operating unit will commence. The control officer may request additional information, as necessary to evaluate the submittals. The unit shall not be restarted unless the control officer approves the submittal.

C. If the control officer disapproves a demonstration or plan required in subsection A. of this section, or such demonstration or plan, including additional information requested by the control officer, is not submitted in a timely manner, the source shall be required to obtain a permit pursuant to the requirements for a new major source or major modification as contained in this chapter.

D. The conduct of performance tests that comply with the requirements of 17.12.050 and demonstrate compliance with emission limits prescribed in a permit for that source or an applicable rule shall constitute operation of an emitting unit for the purposes of this section. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993)

Section 70. That section 17.16.660 of the Pima County Code is amended to read:

17.16.660 Federal list of hazardous air pollutants.

A. All of the following are on the federal list of hazardous air pollutants:

<u>CAS No.</u>	<u>Chemical name</u>		
75070	Acetaldehyde	108394	m-Cresol
60355	Acetamide	106445	p-Cresol
75058	Acetonitrile	98828	Cumene
98862	Acetophenone	94757	2,4-D, salts and esters
53963	2-Acetylaminofluorene	3547044	DDE
107028	Acrolein	334883	Diazomethane
79061	Acrylamide	132649	Dibenzofurans
79107	Acrylic acid	96128	1,2-Dibromo-3- chloropropane
107131	Acrylonitrile	84742	Dibutylphthalate
107051	Allyl chloride	106467	1,4-Dichlorobenzene(p)
92671	4-Aminobiphenyl	91941	3,3-Dichlorobenzidine
62533	Aniline	111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
90040	o-Anisidine	542756	1,3-Dichloropropene
1332214	Asbestos	62737	Dichlorvos
71432	Benzene (including benzene from gasoline)	111422	Diethanolamine
92875	Benzidine	121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
98077	Benzotrichloride	64675	Diethyl sulfate
100447	Benzyl chloride	119904	3,3-Dimethoxybenzidine
92524	Biphenyl	60117	Dimethyl aminoazobenzene
117817	Bis(2-ethylhexyl)phthal-ate (DEHP)	119937	3,3-Dimethyl benzidine
542881	Bis(chloromethyl)ether	79447	Dimethyl carbamoyl chloride
75252	Bromoform	68122	Dimethyl formamide
106990	1,3-Butadiene	57147	1,1-Dimethyl hydrazine
156627	Calcium cyanamide	131113	Dimethyl phthalate
105602	Caprolactam	77781	Dimethyl sulfate
133062	Captan	534521	4,6-Dinitro-o-cresol, and salts
63252	Carbaryl	51285	2,4-Dinitrophenol
75150	Carbon disulfide	121142	2,4-Dinitrotoluene
56235	Carbon tetrachloride	123911	1,4-Dioxane (1,4-Diethyleneoxide)
463581	Carbonyl sulfide	122667	1,2-Diphenylhydrazine
120809	Catechol	106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
133904	Chloramben		
57749	Chlordane	106887	1,2-Epoxybutane
7782505	Chlorine	140885	Ethyl acrylate
79118	Chloroacetic acid	100414	Ethyl benzene
532274	2-Chloroacetophenone	51796	Ethyl carbamate (Urethane)
108907	Chlorobenzene	75003	Ethyl chloride (Chloroethane)
510156	Chlorobenzilate	106934	Ethylene dibromide (Dibromoethane)
67663	Chloroform	107062	Ethylene dichloride (1,2-Dichloroethane)
107302	Chloromethyl methyl ether	107211	Ethylene glycol
126998	Chloroprene	151564	Ethylene imine (Aziridine)
1319773	Cresols/Cresylic acid (isomers and mixture)	275218	Ethylene oxide
95487	o-Cresol	96457	Ethylene thiourea

75343	Ethylidene dichloride (1,1-Dichloroethane)	1336363	Polychlorinated biphenyls (Aroclors)
50000	Formaldehyde	1120714	1,3-Propane sultone
76448	Heptachlor	57578	beta-Propiolactone
118741	Hexachlorobenzene	123386	Propionaldehyde
87683	Hexachlorobutadiene	114261	Propoxur (Baygon)
77474	Hexachlorocyclopenta-diene	78875	Propylene dichloride (1,2-Dichloropropane)
67721	Hexachloroethane	75569	Propylene oxide
822060	Hexamethylene-1,6-diiso-cyanate	75558	1,2-Propylenimine (2-Methyl aziridine)
680319	Hexamethylphosphoramide	91225	Quinoline
110543	Hexane	106514	Quinone
302012	Hydrazine	100425	Styrene
7647010	Hydrochloric acid	96093	Styrene oxide
7664393	Hydrogen fluoride (Hydrofluoric acid)	1746016	2,3,7,8-Tetrachlorodi-benzo-p-dioxin
123319	Hydroquinone	79345	1,1,2,2-Tetrachloroethane
78591	Isophorone	127184	Tetrachloroethylene (Perchloroethylene)
58899	Lindane (all isomers)	7550450	Titanium tetrachloride
108316	Maleic anhydride	108883	Toluene
67561	Methanol	95807	2,4-Toluene diamine
72435	Methoxychlor	584849	2,4-Toluene diisocyanate
74839	Methyl bromide (Bromomethane)	95534	o-Toluidine
74873	Methyl chloride (Chloromethane)	8001352	Toxaphene (chlorinated camphene)
71556	Methyl chloroform (1,1,1-Trichloroethane)	120821	1,2,4-Trichlorobenzene
78933	Methyl ethyl ketone (2-Butanone)	79005	1,1,2-Trichloroethane
60344	Methyl hydrazine	79016	Trichloroethylene
74884	Methyl iodide (Iodomethane)	95954	2,4,5-Trichlorophenol
108101	Methyl isobutyl ketone (Hexone)	88062	2,4,6-Trichlorophenol
624839	Methyl isocyanate	121448	Triethylamine
80626	Methyl methacrylate	1582098	Trifluralin
1634044	Methyl tert butyl ether	540841	2,2,4-Trimethylpentane
101144	4,4-Methylene bis(2-chloroaniline)	108054	Vinyl acetate
75092	Methylene chloride (Dichloromethane)	593602	Vinyl bromide
101688	Methylene diphenyl diisocyanate (MDI)	75014	Vinyl chloride
101779	4,4-Methylenedianiline	75354	Vinylidene chloride (1,1-Dichloroethylene)
91203	Naphthalene	1330207	Xylenes (isomers and mixture)
98953	Nitrobenzene	95476	o-Xylenes
92933	4-Nitrobiphenyl	108383	m-Xylenes
100027	4-Nitrophenol	106423	p-Xylenes
79469	2-Nitropropane		
684935	N-Nitroso-N-methylurea	0	Antimony Compounds
62759	N-Nitrosodimethylamine	0	Arsenic Compounds
59892	N-Nitrosomorpholine		(inorganic including arsine)
56382	Parathion	0	Beryllium Compounds
82688	Pentachloronitrobenzene (Quintobenzene)	0	Cadmium Compounds
87865	Pentachlorophenol	0	Chromium Compounds
108952	Phenol	0	Cobalt Compounds
106503	p-Phenylenediamine	0	Coke Oven Emissions
75445	Phosgene	0	Cyanide Compounds [1]
7803512	Phosphine	0	Glycol ethers [2]
7723140	Phosphorus	0	Lead Compounds
55449	Phthalic anhydride	0	Manganese Compounds

0 Mercury Compounds  
 0 Fine mineral fibers [3]  
 0 Nickel Compounds  
 0 Polycyclic Organic Matter [4]  
 0 Radionuclides (including radon) [5]  
 0 Selenium Compounds

- [1] *X'CN where X = H' or any other group where a formal dissociation may occur [e.g. KCN or Ca(CN)<sub>2</sub>].*  
 [2] *Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OR' where n = 1, 2, or 3 R = alkyl or aryl groups R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OH. Polymers are excluded from the glycol category.*  
 [3] *Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.*  
 [4] *Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.*  
 [5] *A type of atom which spontaneously undergoes radioactive decay.*

B. For all listings above which contain the word "compounds" and for glycol ethers, unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 4 (part), 1993)

**Section 71.** That section 17.20.080 of the Pima County Code is amended to read:

17.20.080 Sampling and testing facilities.

A. For sampling, monitoring and testing required by the control officer pursuant to 17.20.010, the control officer may require the source operator to provide and maintain sampling and testing facilities. When requested in writing by the control officer, a source operator shall provide and maintain performance testing facilities and conditions as follows:

1. Sampling ports adequate for the applicable test method, including (if necessary) extensions of stacks needed for obtaining representative samples;
2. Sampling platforms and access thereto sufficient to assure sampling operator safety and the acquisition of representative samples;
3. Electrical power adequate to perform a test in accordance with the applicable method; and
4. Operation of the source during testing so that representative samples can be obtained.

B. If source operating conditions must be adjusted during a test, the control officer shall notify the source operator in writing at least ten days prior to the test. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 5 (part), 1993; Ord. 1979-93 (part), 1979)

**Section 72. That section 17.28.100 of the Pima County Code is amended to read:**

**17.28.100 Conditional orders.**

A. The control officer may grant to any person a conditional order for each air pollution source which allows such person to vary from any provision of A.R.S. Title 49, Chapter 3, Article 3, this Title, or any non-federally enforceable requirement of a permit issued pursuant to this Title if the control officer makes each of the following findings:

1. Issuance of the conditional order will not endanger public health or the environment, impede attainment or maintenance of the national ambient air quality standards, or constitute a violation of the Clean Air Act, and

2. Either of the following is true:

a. There has been a breakdown of equipment or upset of operations beyond the control of the petitioner which causes the source to be out of compliance with the requirements of this Title, the source was in compliance with the requirements of this Title before the breakdown or upset, and the breakdown or upset may be corrected within a reasonable time.

b. There is no reasonable relationship between the economic and social cost of, and benefits to be obtained from, achieving compliance.

B. The control officer may not issue a conditional order which allows a source to vary from the requirement to obtain a permit issued pursuant to Chapter 17.12, Articles II or III.

C. The following procedures shall apply to a person seeking a conditional order:

1. The person shall file a petition for a conditional order with the control officer. The petition shall contain at a minimum:

a. A description of the breakdown or upset.

b. A description of corrective action being undertaken to bring the source back into compliance.

c. An estimate of emissions related to the breakdown or upset.

d. A compliance schedule with a date of final compliance and interim dates as appropriate.

e. A detailed analysis of the economic and social costs and benefits of achieving compliance with the requirement for which the variance is sought, if the petition is based on paragraph (A)(2)(b) of this section.

2. If the issuance of the conditional order requires a public hearing pursuant to 17.12.340(E), the control officer shall set the hearing date within thirty days after the filing of the petition and the hearing shall be held within sixty days after the filing of the petition.

3. Notice of the filing of a petition for a conditional order and of the hearing date on said petition shall be published in the manner provided in A.R.S. § 49-498 and subsections C and D of 17.12.340.

4. At the time the control officer publishes the first notice, the applicant shall post a notice containing the information required in subsection D of 17.12.340 at the site where the source is or may be located. Consistent with federal, state, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. The applicant shall place an additional posting providing notice of the hearing. Any posting shall be maintained until the public comment period is closed.

5. The control officer shall provide at least 30 days from the date of its first notice for public comment. The control officer shall keep a record of the commenters and of the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final decision is made, the record and copies of the control officer's responses shall be made available to the applicant and all commenters.

C. Decisions on petitions for a conditional order shall be made as follows:

1. For any conditional order that requires a revision to the SIP, the control officer shall comply with the requirements contained in 40 CFR 51, Subpart F.

2. For any other conditional order, the control officer shall grant or deny the petition on such terms and conditions as the control officer deems appropriate within thirty days after the conclusion of any required hearing, or, if no hearing is held, within sixty days after the filing of the petition.

D. A fee to cover the costs of processing conditional orders may be prescribed by the control officer and shall be deposited in the Air Quality Revenue Fund.

E. The terms of a conditional order or its renewal shall conform to the following:

1. A conditional order issued by the control officer shall be valid for such period as the control officer prescribes but in no event for more than one year in the case of a source that is required to obtain a permit pursuant to this title and Title V of the Act (Permits), and three years in the case of any other source that is required to obtain a permit pursuant to this title.

2. The terms and conditions which are imposed as a condition to the granting or the continued existence of a conditional order shall include:

a. A detailed plan for completion of corrective steps needed to conform to the provisions of A.R.S. Title 49, Chapter 3, Article 3, this Title and the requirements of any permit issued pursuant to this Title.

b. A requirement that necessary construction shall begin as specified in the compliance schedule.

c. Written reports at least quarterly, of the status of the source and construction progress.

d. The right of the control officer to make periodic inspection of the facilities for which the conditional order is granted.

e. Such additional terms and conditions as the control officer finds necessary to meet the requirements of this section and A.R.S. §49-437.

3. A holder of a conditional order may petition the control officer to renew the order. The total term of the initial period and all renewals shall not exceed three years from the date of initial issuance of the order. Petitions for renewal may be filed at any time not more than sixty days nor less than thirty days prior to the expiration of the



order. The control officer, within thirty days of receipt of a petition, shall renew the conditional order for one year if the petitioner is in compliance and conforming with the terms and conditions imposed. The control officer may refuse to renew the conditional order if, after a public hearing held within thirty days of receipt of a petition, the control officer finds that the petitioner is not in compliance and conforming with the terms and conditions of the conditional order. If, after a period of three years from the date of original issuance the petitioner is not in compliance and conforming with the terms and conditions, the control officer may renew a conditional order for a total term of two additional years only if the control officer finds that failure to comply and conform is due to conditions beyond the control of such petitioner.

4. If the control officer amends or adopts any rule imposing conditions on the operation of an air pollution source which have become effective as to the source by reason of the action of the control officer or otherwise, and which require the implementation of control strategies necessitating the installation of additional or different air pollution control equipment, the control officer may renew a conditional order for an additional term. The term of the renewal shall be governed by the preceding subsections of this section, except that the total term of the renewal shall not exceed two years.

5. A conditional order issued by the control officer shall be effective when issued unless:

a. The conditional order varies from the requirements of the applicable implementation plan, in which case the conditional order shall be submitted to the Administrator as a revision to the applicable implementation plan pursuant to Section 110(L) of the Act (Implementation Plans), and shall become effective upon approval by the Administrator.

b. The conditional order varies from the requirements of a permit issued for a facility that is required to obtain a permit pursuant to Title V of the Act (Permits), in which case the conditional order shall be submitted to the Administrator if required by Section 505 of the Act (Notification to Administrator and Contiguous States), and shall be effective at the end of the review period specified in such section, unless objected to within such period by the Administrator.

F. If the terms and conditions of the conditional order are being violated, the control officer may seek to revoke or suspend the conditional order. In such event, the control officer shall serve notice of such violation on the holder of the conditional order in the manner provided in A.R.S. 49-498. The notice shall specify the nature of such violation and the date on which a hearing will be held to determine if a violation has occurred and whether the conditional order should be suspended or revoked. The date of the hearing shall be within thirty days from the date the notice is served upon the holder of the conditional order. (Ord. 1994-\_\_\_ § \_\_, 1994: Ord. 1993-128 § 7, 1993; Ord. 1979-93 (part), 1979)

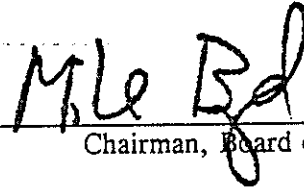
**Section 73. Effective Date.**

This ordinance shall be effective from and after the expiration of thirty days from the date of enactment.

PASSED AND ADOPTED by the Board of

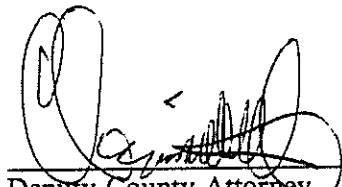
Supervisors of Pima County, Arizona

this 21 day of June, 1994.

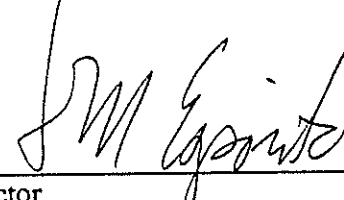
  
Chairman, Board of Supervisors

JUN 21 1994

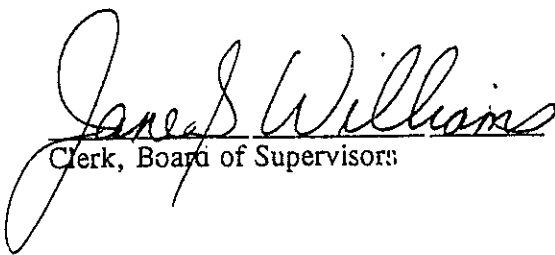
APPROVED AS TO FORM:

  
Deputy County Attorney

REVIEWED BY:

  
Director

ATTEST:

  
Clerk, Board of Supervisors

NEW SOURCE REVIEW  
PREVENTION OF  
SIGNIFICANT DETERIORATION  
STATE IMPLEMENTATION PLAN  
SUBMITTAL

PIMA COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

August 31, 1994

Volume II



# **ATTACHMENT 5**

**PDEQ PERMIT RULES IDENTIFYING PORTIONS  
TO BE INCLUDED IN THE APPLICABLE SIP FOR  
THE PURPOSES OF NSR/PSD FOR MAJOR  
SOURCES**

## Pima County's NSR/PSD SIP Submittal -- Major Sources

### Chapter 17.04

#### **17.04.070 Incorporated Materials.**

The following documents are incorporated herein by reference and are on file with the control officer:

1. The Arizona Department of Environmental Quality's "Arizona Testing Manual for Air Pollutant Emissions", amended as of May, 1989.
2. The ASTM Test Methods referenced in this Title are those adopted as of the date specified, and all adoption dates occur on or before January 1, 1989.
3. All parts of the CFR referenced in this Title are amended as of July 1, 1993.
4. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987".

#### **17.04.340 Words, phrases, and terms.**

Words, phrases, and terms used in this Title shall have the following meanings except where any narrative portion specifically indicates otherwise:

##### **A. Definitions.**

1. "Acid mist" means sulfuric acid mist as measured in the Arizona Testing Manual and 40 CFR 60, Appendix A.
- ~~2. "A.C.M" means asbestos containing material.~~
- ~~3. "A.C.R.M" means asbestos containing roofing materials.~~
4. "Act" or "Clean Air Act" means the Clean Air Act of 1963 (P.L. 88-206; 42 United States Code sections 7401 through 7671) as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549).
- ~~5. "Activity" or "Activities" means any land clearing, land stripping, earthmoving, trenching, road construction, blasting, excavation or storage of contaminated soil, storage of asbestos containing material at temporary storage facilities in Pima County prior to final landfill disposal, and demolition or renovation of manmade facilities.~~

6. "Actual emissions" means the actual rate of emissions of an air pollutant from an emissions unit, as determined in accordance with paragraphs a through c.

a. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The control officer may allow the use of a different time period upon a demonstration that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored or combusted during the selected time period, or by any other method approved by the control officer.

b. If there is inadequate information to determine actual historic emissions (e.g., the source has only been operating for 6 months), the control officer may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

c. For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

7. "ADEQ" means the Arizona Department of Environmental Quality.

~~8. "ADHS" means the Arizona Department of Health Services.~~

9. "Administrator" means the Administrator of the United States Environmental Protection Agency.

10. "Adverse effects to human health" means those effects that result in or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, including adverse effects that are known to be or may reasonably be anticipated to be caused by substances that are acutely toxic, chronically toxic, carcinogenic, mutagenic, teratogenic, neurotoxic or causative of reproductive dysfunction.

11. "Adverse environmental effect" means any significant and widespread adverse effect which may reasonably be anticipated on wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.

12. "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a Class I area, as determined according to section 17.16.630.

13. "Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.

14. "Affected source" means a source that includes one or more units which are subject to emission reduction requirements or limitations under Title IV of the Act (Acid Deposition Control).

15. "Affected state" means any state whose air quality may be affected by a source applying for a permit, permit revision or permit renewal, and that is contiguous to Arizona; or that is within 50 miles of the permitted source.

~~16. "Affected unit" shall have the meaning given to it in the regulations promulgated under Title IV of the Act (Acid Deposition Control).~~

17. "Afterburner" means an incinerator installed in the secondary combustion chamber or stack for the purpose of incinerating smoke, fumes, gases, unburned carbon, and other combustible material not consumed during primary combustion.

~~18. "A.H.E.R.A" means the Asbestos Hazard Emergency Response Act.~~

19. "Air contaminant" means smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, or noxious chemicals, or any other material in the outdoor atmosphere other than chemically uncombined, nitrogen, oxygen, carbon dioxide, and water.

20. "Air curtain destructor" means an incineration device designed and used to secure, by means of a fan-generated air curtain, controlled combustion of only wood waste and slash materials in an earthen trench or refractory-lined pit or bin.

21. "Air pollution" or "air pollutant" means the presence in the outdoor atmosphere of one or more air contaminants or combination thereof in sufficient quantities, which either alone or in connection with other substances, by reason of their concentration and duration are or tend to be injurious to human, plant, or animal life; or causes damage to property; or unreasonably interferes with the enjoyment of life or property of a substantial part of a community, or obscures visibility; or which in any way degrades the quality of the ambient air below the standards established by the Board of Supervisors.

22. "Air pollution control equipment" means equipment used to eliminate, reduce or control the emission of air pollutants into the ambient air.

23. "Air quality control region" (AQCR) means an area so designated by the Administrator pursuant to Section 107 of the Act (Air Quality Control Regions) and includes the following regions in Arizona:

a. Maricopa Intrastate Air Quality Control Region which is comprised of the County of Maricopa.

b. Pima Intrastate Air Quality Control Region which is comprised of the County of Pima.

c. Northern Arizona Intrastate Air Quality Control Region which encompasses the counties of Apache, Coconino, Navajo and Yavapai.

d. Mohave-Yuma Intrastate Air Quality Control Region which encompasses the counties of La Paz, Mohave and Yuma.

e. Central Arizona Intrastate Air Quality Control Region which encompasses the counties of Gila and Pinal.

f. Southeast Arizona Intrastate Air Quality Control Region which encompasses the counties of Cochise, Graham, Greenlee and Santa Cruz.

24. "Allowable emissions" means the emission rate of a stationary or portable source calculated using both the maximum rated capacity of the source, unless the source is subject to federally enforceable limits which restrict the operating rate or hours of operation, and the most stringent of the following:

a. The applicable new source performance standards or national emission standards for hazardous air pollutants, as contained in Chapter 17.16, Articles VI or VII and in 40 CFR 60 and 61;

b. The applicable existing source performance standard, as approved for the SIP and contained in Chapter 17.16, Article IV; or,

c. The emissions rate specified in any federally promulgated rule or federally enforceable permit conditions applicable to the state of Arizona.

25. "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to produce results adequate for the control officer's determination of compliance in accordance with subsection 17.12.040.D.

26. "Ambient air" means that portion of the atmosphere external to buildings to which the general public has access.

27. "Applicable implementation plan" means those provisions of the state implementation plan approved by the Administrator or a Federal implementation plan promulgated in accordance with Title I of the Act (Air Pollution Prevention and Control).

28. "Applicable requirement" means all of the following as they apply to emissions units covered by a Class I or Class II permit (including requirements that have been promulgated



or approved by EPA through rule making at the time of issuance but have future-effective compliance dates):

a. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Act (Air Pollution Prevention and Control) that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52;

b. Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under Title I, including parts C or D, of the Act (Prevention of Significant Deterioration of Air Quality and Plan Requirements for Nonattainment Areas);

~~e. Any standard or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources), including section 111(d);~~

~~d. Any standard or other requirement under section 112 of the Act (Hazardous Air Pollutants), including any requirement concerning accident prevention under section 112(r)(7) of the Act;~~

~~e. Any standard or other requirement of the acid-rain program under Title IV of the Act (Acid Deposition Control) or the regulations promulgated thereunder;~~

f. Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act (Inspections, monitoring and entry);

g. Any standard or other requirement governing solid waste incineration, under section 129 of the Act (Solid Waste Combustion);

h. Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act (Federal Ozone Measures);

i. Any standard or other requirement for tank vessels, under section 183(f) of the Act (Federal Ozone Measures);

~~j. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act (Air Pollution from Outer Continental Shelf Activities);~~

~~k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act (Stratospheric Ozone Production), unless the Administrator has determined that such requirements need not be contained in a Title V permit; and~~

1. Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act (Prevention of Significant Deterioration of Air Quality), but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act (Permit Requirements and Conditions);

m. and any other requirement established pursuant to this Title or A.R.S. Title 49, chapter 3.

29. "Approved" means approved "by the control officer". Any word implying acceptance, reasoning, or judgment means "by the control officer".

30. "AQCD" means the Pima County Air Quality Control District, operating within the Pima County Department of Environmental Quality (PDEQ).

31. "Architectural coating" means a coating used commercially or industrially for residential, commercial or industrial buildings and their appurtenances; structural steel; and other fabrications such as storage tanks, bridges, beams and girders.

32. "A.R.S" means Arizona Revised Statutes, with standard references in this Title by Title and Section, so that A.R.S. 49-101 means Section 101 of Title 49 of the Arizona Revised Statutes.

33. "Arizona Testing Manual" (ATM) means the Arizona Testing Manual for Air Pollutant Emissions.

34. "Asphalt concrete plant" means any facility used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cements. This is limited to facilities, including drum dryer plants that introduce asphalt into the dryer, which employ two or more of the following processes:

- a. A dryer.
- b. Systems for screening, handling, storing, and weighing hot aggregate.
- c. Systems for loading, transferring, and storing mineral filler.
- d. Systems for mixing asphalt concrete.
- e. The loading, transferring, and storage systems associated with emission control systems.

35. "ASTM" means the American Society for Testing and Materials.

36. "Attainment area" means an area so designated by the Administrator acting pursuant to Section 107 of the Act (Air Quality Control Regions) as having ambient air pollutant concentration equal to or less than national primary or secondary ambient air quality standards for a particular pollutant or pollutants.

37. "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

38. "Best available control technology" (BACT) means an emission limitation, including a visible emissions standard, based on the maximum degree of reduction for each regulated air pollutant which would be emitted from any proposed major stationary source or major modification which the control officer on a case-by-case basis, taking into account energy, environmental and economic impact and other costs, determines to be achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the control officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

39. "Black liquor" means waste liquor from the brown stock washer and spent cooking liquor which have been concentrated in the multiple-effect evaporator system.

40. "Btu" means British thermal unit, which is the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

41. "Building", "structure", "facility" or "installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group which has the same two-digit code, as described in the Standard Industrial Classification Manual, 1972, as amended by the 1987 supplement.

42. "Calcine" means the solid materials produced by a lime plant.

43. "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

44. "Categorical sources" means the following classes of sources:

- a. Coal cleaning plants with thermal dryers;
- b. Kraft pulp mills;
- c. Portland cement plants;
- d. Primary zinc smelters;
- e. Iron and steel mills;
- f. Primary aluminum ore reduction plants;
- g. Primary copper smelters;
- h. Municipal incinerators capable of charging more than 50 tons of refuse per day;
- i. Hydrofluoric, sulfuric, or nitric acid plants;
- j. Petroleum refineries;
- k. Lime plants;
- l. Phosphate rock processing plants;
- m. Coke oven batteries;
- n. Sulfur recovery plants;
- o. Carbon black plants using the furnace process;
- p. Primary lead smelters;
- q. Fuel conversion plants;
- r. Sintering plants;
- s. Secondary metal production plants;
- t. Chemical process plants;
- u. Fossil-fuel boilers, or combination thereof, totaling more than 250 million Btu's per hour heat input;
- v. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- w. Taconite preprocessing plants;
- x. Glass fiber processing plants;
- y. Charcoal production plants;
- z. Fossil fuel-fired steam electric plants and combined cycle gas turbines of more than 250 million Btu's per hour heat input.

~~45. "Category I nonfriable asbestos-containing material" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix A, subpart F, 40 CFR Part 763, section 1, Polarized Light Microscopy.~~

~~46. "Category II nonfriable asbestos-containing material" means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix A, subpart F, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized or reduced to powder by hand pressure.~~

47. "Cause" or "permit" (used as verbs) means to effect by action or participation, or by command, authority, or force; or allow, make possible, or consent to.

48. "CFR" means the Code of Federal Regulations, with standard references in this Title by Title and Part, so that "40 CFR 51" means "Title 40 of the Code of Federal Regulations, Part 51."

49. "Change in the method of operation" means any change in operations which is not already covered under the terms of the source's permit.

50. "Charge" means the addition of metal bearing materials, scrap, or fluxes to a furnace, converter or refining vessel.

51. "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM D-388-91, (Classification of Coals by Rank).

52. "Combustion" means the burning of matter.

53. "Commence" means, as applied to construction or modification of a source:

a. for purposes other than Title IV of the Act (Acid Deposition Control), that the owner or operator has obtained all necessary preconstruction approval or permits required by federal law and this chapter and has done either of the following:

(i) begun or caused to begin a continuous program of physical on-site construction of the source to be completed within a reasonable time; or

(ii) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

~~b. — for purposes of Title IV of the Clean Air Act (Acid Deposition Control), that the owner or operator has undertaken a continuous program of construction or that an owner or operator has entered into a contractual obligation to undertake and complete within a reasonable time a continuous program of construction.~~

54. "Complete" means, in reference to an application for a permit or permit revision, that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the control officer from requesting or accepting any additional information.

55. "Concentrate" means enriched copper ore recovered from the froth flotation process.

56. "Concentrate dryer" means any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate a portion of the moisture from the charge, provided less than five percent of the sulfur contained in the charge is eliminated in the facility.

57. "Concentrate roaster" means any facility in which a copper sulfide ore concentrate is heated in the presence of air to eliminate five percent or more of the sulfur contained in the charge.

58. "Condensate stripper system" means a column, and associated condensers, used to strip, with air or steam, total reduced sulfur compounds from condensate streams of various processes within a kraft pulp mill.

59. "Construction" means any physical change or change in the method of operation, including fabrication, erection, installation, demolition, or modification of an emissions unit, which would result in a change in actual emissions.

60. "Contiguous geographical area" means a geographical area owned, leased, or under common control of the same proprietor, in which all portions are in contact by land surfaces and the outside boundary of such area can be circumscribed by a single unbroken boundary line. Such an area is considered contiguous even if it is intersected by a public road, wash, or watercourse.

61. "Continuous monitoring system" or "Continuous emissions monitoring (CEM) system" means the total equipment, required under the emission monitoring provisions in this Title, used to sample and, if applicable, to condition, to analyze, and to provide a permanent record of emission or process parameters.

62. "Control" means air pollution control or control of air pollution emissions.

63. "Control device" means the air pollution control equipment used to remove air contaminants generated by a process source from the effluent gas stream.

64. "Control officer" means the Director of Pima County Department of Environmental Quality who shall serve as the executive head of the Pima County Air Quality Control District, or one of his authorized agents.

65. "Controlled atmosphere incinerator" means one or more refractory-lined chambers in which complete combustion is promoted by recirculation of gases by mechanical means.

66. "Conventional" or "criteria" air pollutant means any pollutant for which the Administrator has promulgated a primary or secondary national ambient air quality standard.

67. "Converter" means any vessel to which copper matte is charged and oxidized to copper.

68. "County" means Pima County, Arizona.

69. "De minimis" means:

a. for the purposes of permit thresholds for non-Title V sources, those emission sources, equipment items, or emission levels which include the following:

(i) With respect to sand and gravel or aggregate classification processes: non-motorized screens.

(ii) With respect to printing press operations: printing press operations where total VOC emissions from all press operations, including cleanup, do not exceed 2.4 pounds per average operating day.

(iii) Pressure tanks and pressurized vessels which are not expected to lose product under normal operation containing liquid propane gas (LPG) or other products regardless of capacity.

(iv) Petroleum liquid storage tanks and delivery vessels with a capacity of less than 250 gallons.

(v) With respect to natural gas fuel burning equipment: any source with an aggregated capacity of less than 2,000,000 BTU per hour. The aggregated capacity shall be calculated by adding only those pieces of equipment rated at 300,000 BTU per hour or higher.

(vi) With respect to fuel burning equipment fired with a fuel other than natural gas or LPG: any source with an aggregated input capacity of less than 500,000 BTU per hour.

(vii) Emergency generators, as defined in this section, or standby motors.

(viii) With respect to surface coating operations: the aggregate of all surface coating operations of a source in which no coated product is heat cured and total VOC emissions do not exceed 2.4 pounds per average operating day.

(ix) With respect to architectural coating operations: operations for which all of the following apply:

(a) the operation is limited to applying coatings used commercially or industrially for residential, commercial, or industrial buildings and their appurtenances;

(b) coatings containing photochemically reactive solvents are

not used unless purchased in containers of less than one quart;

(c) no architectural coatings are diluted with photochemically reactive solvents; and

(d) the coating is not done at a central facility.

(x) With respect to solvent degreasing:

(a) The aggregate of all solvent degreasing operations at a source where the total emissions do not exceed 2.4 pounds of VOC per average operating day and 5.5 pounds of other regulated air pollutants per average operating day.

(b) The aggregate of all solvent degreasing units under common ownership at a source where the total emissions do not exceed 2.4 pounds of VOC per average operating day and 5.5 pounds of other regulated air pollutants per average operating day.

(xi) The aggregate of all equipment, processes, or production lines at a facility that have total uncontrolled emissions of less than 2.4 pounds of VOC per average operating day and less than 5.5 pounds of other regulated air pollutants per average operating day.

b. unless otherwise specified in federal or state law, de minimis for purposes of determining whether a physical change or change in the method of operation constitutes a modification shall mean emissions that do not exceed the greater of:

(i) 12 pounds per operating day of total VOCs determined as an annual average;

(ii) 27.5 pounds per operating day of any other regulated air pollutant determined as an annual average; or

(iii) 10% of the source's allowable emissions for that pollutant.

c. In no case shall "de minimis" be construed to mean "significant" as defined in this section or section 18-2-101 of the AAC.

70. "Delivery vessels" means any vehicular mounted container(s) such as railroad tank cars, tanker trucks, tank trailers or any other mobile container used to transport gasoline, petroleum or petroleum distillates.

~~71. "Designated representative" shall have the meaning given to it in section 402(26) of the Act (Definitions) and the regulations promulgated thereunder.~~



72. "Director" means the director of the Arizona Department of Environmental Quality (ADEQ).

73. "Discharge" means the release or escape of an effluent from a source into the atmosphere.

74. "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by any of the following:

a. Using that portion of a stack which exceeds good engineering practice stack height;

b. Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

c. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This shall not include any of the following:

(i) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.

(ii) The merging of exhaust gas streams under any of the following conditions:

(a) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;

(b) Such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant, applying only to the emission limitation for that pollutant; or

(iii) Smoke management in agricultural or silvicultural prescribed burning programs.

(iv) Episodic restrictions on residential woodburning and open burning.

(v) Techniques which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

75. "Dry wash" and "river bed" mean a watercourse having beds, banks, sides and channels through which either waters currently flow, at least periodically, or through which waters flowed, at least periodically, but no longer flow.

76. "Dust" or "Dust emissions" means finely divided solid particulate matter occurring naturally or created by mechanical processing, handling or storage of materials in the solid state.

77. "Dust suppressant" means a material, procedure, work practice, or operation which may be used for suppressing dust, such as landscaping, gravel covering, paving, application of chemicals, or application of sufficient quantities of water.

78. "Effluent" means any air contaminant which is emitted and subsequently escapes into the atmosphere.

79. "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

80. "Emergency generator" and/or "standby motor" means any internal combustion engine used solely as a source of standby power and that is:

a. operated less than 50 hours per year, as evidenced by an installed hour meter or written usage records maintained by the operator; or

b. only used for power when normal power line service fails; or

c. only used for the emergency pumping of water.

This definition does not include internal combustion engines used as standby power due to a voluntary reduction in power by the power company.

81. "Emission" means an air contaminant or gas stream, or the act of discharging an air contaminant or a gas stream, visible or invisible.

82. "Emissions allowable under the permit" means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

83. "Emissions unit" means any part of a stationary or portable source which emits

or would have the potential to emit any pollutant subject to regulation under this Title.

84. "Emission standard" or "emission limitation" means a requirement established by the state, a local government, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

85. "Enforceable" means all limitations and conditions which are enforceable by the Administrator.

86. "Environmental Protection Agency (EPA)" means the United States Environmental Protection Agency as established by 40 CFR 1.1, et seq.

87. "Equipment" means any machine, incinerator, activity equipment, device, or other article including pollution control equipment that can or may contribute to or control emissions.

88. "Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated pursuant to section 17.12.040 to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

89. "Excess emissions" or "emissions in excess of an emission limitation" means emissions of an air pollutant in excess of an emission standard as measured by the compliance test method applicable to such emission standard.

90. "Existing source" means either:

a. a source in operation prior to the effective date of this Title, or a source on which the construction or modification has commenced and for which the control officer has granted a permit prior to the effective date of this Title; or

b. for NSPS purposes, "Existing source" may also mean any source which does not have an applicable new source performance standard under Chapter 17.16, Article VI.

91. "Federal Land Manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

92. "Federally enforceable" means:

a. The requirements of the New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants contained in Articles VI and VII of Chapter 17.16.

b. The requirements of such other state or county rules or regulations

approved by the Administrator, including the requirements of approved state and county operating and new source review permit programs.

c. The requirements of any applicable implementation plan.

93. "Federally listed hazardous air pollutant" means any air pollutant listed pursuant to section 112(b) of the Act (Hazardous Air Pollutants) and adopted pursuant to A.R.S. section 49-426.03, Subsection A and not deleted pursuant to that subsection.

94. "Final permit" means the version of a permit issued by the Control Officer after completion of all review required by this Title.

95. "Fixed capital cost" means the capital needed to provide all the depreciable components.

96. "Floating roof" means a storage-vessel cover consisting of a pontoon, single-deck, double-deck, or internal floating solid material which rests upon the surface of and is supported by the liquid contents, and is equipped with a seal to close the space between the edge of the solid material and tank wall.

97. "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

98. "Fuel" means any material which is burned for the purpose of producing energy.

99. "Fuel burning equipment" means any machine, equipment, incinerator, device or other article, except stationary rotating machinery, in which combustion takes place.

100. "Fugitive dust" means fugitive emissions of particulate matter.

101. "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

102. "Fume" means solid particulate matter resulting from the condensation and subsequent solidification of vapors of melted solid materials.

103. "Fume incinerator" means a device similar to an afterburner installed for the purpose of incinerating fumes, gases and other finely divided combustible particulate matter not previously burned.

~~104. "Gasoline" means any petroleum distillate having a Reid vapor pressure greater than or equal to four pounds per square inch.~~

~~105. "General permit" means a permit issued by ADEQ pursuant to A.A.C. Title 18,~~

~~Chapter 2, Article 5 and administered, inspected and enforced by the department pursuant to this title.~~

106. "Good engineering practice (GEP) stack height" means a stack height meeting the requirements described in section 17.12.360.

107. "Haul road" means a road constructed for the principle purpose of hauling construction materials, or to provide access to one or more construction sites, mining activities, or industrial operations.

~~108. "Hazardous air pollutant" (HAP) means any federally listed hazardous air pollutant and any air pollutant that the director has designated as a hazardous air pollutant pursuant to A.R.S. 49-426.04, Subsection A and has not deleted pursuant to A.R.S. 49-426.04, Subsection C.~~

~~109. "Hazardous air pollutant reasonably available control technology" (HAPRACT) means an emissions standard for hazardous air pollutants which the director, acting pursuant to A.R.S. 49-426.06, Subsection C, or the control officer, acting pursuant to A.R.S. 49-480.04, Subsection C, determines is reasonably available for a source. In making the foregoing determination the director or control officer shall take into consideration the estimated actual air quality impact of the standard, the cost of complying with the standard, the demonstrated reliability and widespread use of the technology required to meet the standard, and any non-air quality health and environmental impacts and energy requirements. For purposes of this definition an emissions standard may be expressed as a numeric emissions limitation or as a design, equipment, work practice or operational standard.~~

~~110. "Hazardous Waste" means a hazardous waste as defined in 40 CFR 261, or a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may either:~~

~~a. Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating reversible illness; or~~

~~b. Pose a serious present or potential hazard to human health or the environment if improperly disposed.~~

~~111. "Hazardous Waste Fuel" means hazardous wastes that are burned for energy recovery in an industrial furnace or boiler that is not regulated as a hazardous waste incinerator. Hazardous waste fuel includes fuel produced from hazardous waste by processing, blending, or other treatment.~~

112. "Heat input" means the quantity of heat in terms of Btu's generated by fuels fed into the fuel burning equipment under conditions of complete combustion.

~~113. "Herein" when used anywhere in this Title, refers to the complete set of rules and regulations contained in this Title.~~

114. "High sulfur oil" means fuel oil containing 0.90 percent or more by weight of sulfur.

115. "High terrain" means any area having an elevation of 900 feet or more above the base of the stack of a source.

116. "Incinerator" means any equipment, machine, device, contrivance or other article, and all appurtenances thereof, used for the combustion of refuse, salvage materials or any other combustible material except fossil fuels, for the purpose of reducing the volume of material other than those used for pollution control.

117. "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

118. "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or act of Congress.

119. "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice, or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

120. "Kraft pulp mill" means any stationary source which produces pulp from wood by cooking or digesting wood chips in a water solution of sodium hydroxide and sodium sulfide at high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.

~~121. "Land stripping", "land clearing activity" or "land stripping activity" means removal of all or any portion of existing vegetation from parcels of land with equipment which plows or scrapes the ground surface.~~

122. "Lead" means elemental lead or alloys in which the predominant component is lead.

123. "Lime hydrator" means a unit used to produce hydrated lime product.

124. "Lime kiln" means a unit used to calcinate lime rock or kraft pulp mill lime mud which consists primarily of calcium carbonate, into quicklime, which is calcium oxide.

125. "Lime plant" includes any plant which produces a lime product from limestone by calcination. Hydration of the lime product is also considered to be part of the source.

126. "Lime product" means any product produced by the calcination of limestone.

127. "Loading facility" means any operation or facility (such as gasoline, petroleum distillates, or petroleum storage tank farms, pipeline terminals, bulk plants or loading docks) where gasoline, petroleum or petroleum distillates are transferred or loaded into delivery vessels or other storage facilities for further distribution.

128. "Low sulfur oil" means fuel oil containing less than 0.90 percent by weight of sulfur.

129. "Low terrain" means any area other than high terrain.

130. "Lowest achievable emission rate" (LAER) means, for any source, the more stringent rate of emissions based on one of the following:

a. The most stringent emissions limitation which is contained in the SIP of any state for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or,

b. The most stringent emissions limitation which is achieved in practice by such class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable standards of performance as contained in Chapter 17.16 Articles VI and VII.

131. "Major modification" means any physical change or change in the method of operation of a major source that would result in a significant net emissions increase of any regulated air pollutant.

a. Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.

b. Any net emissions increase that is significant for oxides of nitrogen shall be considered significant for ozone for ozone nonattainment areas classified as marginal, moderate, serious or severe.

c. For the purposes of this definition the following shall not be considered a physical change or change in the method of operation:

(i) Maintenance, repair and replacement which the control officer

determines to be routine.

(ii) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. § 792, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act, 16 U.S.C. §§ 792 - 825r;

(iii) Use of an alternative fuel by reason of an order or rule under Section 125 of the Act (Measures to Prevent Economic Disruption or Unemployment);

(iv) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(v) Use of an alternative fuel or raw material by a stationary source which either:

(a) The source was capable of accommodating before December 12, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, pursuant to 40 CFR 52.21, or under the permitting provisions of this Title; or

(b) The source is approved to use under any permit issued under 40 CFR 52.21, or under the permitting provisions of this Title.

(vi) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, pursuant to 40 CFR 52.21, or under the permitting provisions of this Title.

(vii) Any change in ownership at a stationary source.

132. "Major source" for the purposes of this title shall have the same meaning as defined in A.A.C. R18-2-101.

133. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment, process equipment or a process to operate in a normal manner, but does not include failures that are caused by poor maintenance, careless operations or any other upset condition or equipment breakdown which could have been prevented by the exercise of reasonable care.

~~134. "Material permit condition" shall mean a condition which satisfies all of the following:~~

~~a. The condition is in a permit or permit revision issued by the control officer after the effective date of this section.~~



~~b. The condition is identified within the permit as a material permit condition.~~

~~e. The condition is one of the following:~~

~~(i) An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement.~~

~~(ii) A requirement to install, operate or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required pursuant to the requirements of A.R.S. § 49-426-06.~~

~~(iii) A requirement for the installation or certification of a monitoring device.~~

~~(iv) A requirement for the installation of air pollution control equipment.~~

~~(v) A requirement for the operation of air pollution control equipment.~~

~~(vi) Any opacity standard required by section 111 (Standards of Performance for New Stationary Sources) or Title I, part C or D (Air Pollution Prevention and Control) of the Act.~~

~~d. Violation of the condition is not covered by subsections A through F, or H through J of A.R.S. 49-464 or subsections A through F, or H through J of A.R.S. 49-514.~~

135. "Matte" means a metallic sulfide made by smelting copper sulfide ore concentrate or the roasted product of copper sulfide ores.

136. "Maximum achievable control technology" (MACT) means an emission standard that requires the maximum degree of reduction in emissions of the hazardous air pollutants subject to this Title, including a prohibition on such emissions where achievable, that the control officer, after considering the cost of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements, determines to be achievable by a source to which such standard applies, through application of measures, processes, methods, systems or techniques including measures which:

a. reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications.

b. Enclose systems or processes to eliminate emissions.

c. collect, capture or treat such pollutants when released from a process,

stack, storage or fugitive emissions point.

d. are design, equipment, work practice, or operational standards, including requirements for operator training or certification.

e. are a combination of the above.

137. "Metallic particulate" means any solid or vaporous emission containing antimony, beryllium, cadmium, chromium, cobalt, lead, mercury, nickel, phosphorus, or selenium in either elemental form or as part of a compound.

138. "Mining activity" means an activity involving earthmoving operations, including blasting, for the primary purpose of extracting from the earth, minerals such as but not limited to, sand, gravel, overburden, aggregate, limestone, rock, or ore.

139. "Minor source" means a source of air pollution which is not a major source for the purposes of Chapter 17.16, Article VIII and over which the control officer has jurisdiction.

140. "Minor source baseline area" means the air quality control region in which the source is located.

141. "Miscellaneous metal parts and products" for purposes of industrial coating include all of the following:

a. Large farm machinery, such as harvesting, fertilizing and planting machines, tractors, and combines.

b. Small farm machinery, such as lawn and garden tractors, lawn mowers, and rototillers.

c. Small appliances, such as fans, mixers, blenders, crock pots, dehumidifiers, and vacuum cleaners.

d. Commercial machinery, such as office equipment, computers and auxiliary equipment, typewriters, calculators, and vending machines.

e. Industrial machinery, such as pumps, compressors, conveyor components, fans, blowers, and transformers.

f. Fabricated metal products, such as metal covered doors and frames.

g. Any other industrial category which coats metal parts or products under the Code in the "Standard Industrial Classification Manual, 1987" of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (non-electric

machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries), except all of the following:

- (i) Automobiles and light-duty trucks.
- (ii) Metal cans.
- (iii) Flat metal sheets and strips in the form of rolls or coils.
- (iv) Magnet wire for use in electrical machinery.
- (v) Metal furniture.
- (vi) Large appliances.
- (vii) Exterior of airplanes.
- (viii) Automobile refinishing.
- (ix) Customized top coating of automobiles and trucks, if production is less than 35 vehicles per day.
- (x) Exterior of marine vessels.

142. "Mobile source" means any combustion engine, device, machine or equipment that operates during transport and that emits or generates air contaminants whether in motion or at rest.

143. "Modification" or "modify" means a physical change in or change in the method of operation of a source which increases the actual emissions of any air pollutant emitted by such source by more than any relevant de minimis amount or which results in the emission of any air pollutant not previously emitted by more than such de minimis amount.

144. "Monitoring device" means the total equipment, required under the applicable provisions of this Title, used to measure and record, if applicable, process parameters.

145. "Motor vehicle" means any self-propelled vehicle, such as, but not limited to, the following: truck, car, cycle, bike or buggy designed for transporting persons or property on public highways.

146. "Multiple chamber incinerator" means three or more refractory-lined combustion chambers in series, physically separated by refractory walls and interconnected by gas passage ports or ducts.

147. "Multiple-effect evaporator system" means the multiple-effect evaporators and associated condenser and hotwell used to concentrate the spent cooking liquid that is separated from the pulp.

148. "NAAQS" means national ambient air quality standards.

149. "National ambient air quality standard" means the ambient air pollutant concentration limits established by the administrator pursuant to 42 United States code section

150. "Necessary preconstruction approvals or permits" means those permits or approvals required under the Act and those air quality control laws and rules which are part of the SIP.

~~151. "NESHAP" means the National Emission Standard for Hazardous Air Pollutants, according to 40 CFR 61.~~

~~152. "NESHAP facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation or building.~~

153. "Net emissions increase" means:

a. The amount by which the sum of subparagraphs (i) and (ii) exceeds zero:

(i) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

(ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:

(i) The date five years before construction on the particular change commences; and

(ii) The date that the increase from the particular change occurs.

c. An increase or decrease in actual emissions is creditable only if the control officer has not relied on it in issuing an permit, which is in effect when the increase in actual emissions from the particular change occurs. In addition, in nonattainment areas, a decrease in actual emissions shall be considered in determining net emissions increase due to modifications only if the county has not relied on it in demonstrating attainment or reasonable further progress.

d. An increase or decrease in actual emissions of sulfur dioxide, nitrogen oxides, or particulate matter which occurs before the applicable baseline date, as described in section 17.08.150, is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

e. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

f. A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins; and,

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(iv) The emissions unit was actually operated and emitted the specific pollutant.

g. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

154. "Neutral sulfite semichemical pulping" means any operation in which pulp is produced from wood by cooking or digesting wood chips in a solution of sodium sulfite and sodium bicarbonate, followed by mechanical defibrating or grinding.

155. "New source" means any source that is not an existing source.

156. "Nitric acid plant" means any facility producing nitric acid 30 to 70 percent in strength by either the pressure or atmospheric pressure process.

157. "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in the Appendices to 40 CFR 60.

158. "Nonattainment area" means an area so designated by the Administrator acting pursuant to Section 107 of the Act (Air Quality Control Regions) as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.

159. "Nonattainment area plan" means an air pollution control plan developed in accordance with 42 United States code sections 7501 through 7515.

~~160. "Non-Neshap facility" means a residential structure containing 3 or 4 units.~~

161. "Nonpoint source" means a source of air contaminants which lacks an identifiable

plume or emission point.

162. "NSPS" means new source performance standards.

163. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

~~164. "Open outdoor fire" or "open burning" means combustion in the outdoors of any material, during which the products of combustion are not directed through a flue, chimney, duct, vent, stack, or other restrictive device designed or installed for the principle purpose of discharging the effluent to the atmosphere.~~

165. "Operating day" means any day equipment is operated.

166. "Operation" means any physical or chemical action resulting in the change in location, form, physical properties or chemical character of a material.

167. "Organic materials" means those defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, and ammonium carbonate.

168. "Owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

169. "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

170. "Particulate matter emissions" means all finely divided solid or liquid materials other than uncombined water, emitted to the ambient air as measured by applicable test methods and procedures described in section 17.12.040.

171. "PDEQ" or "Department" means the Pima County Department of Environmental Quality.

~~172. "Permit program costs" means all reasonable (direct and indirect) costs required to develop and administer a permit program, as set forth in 40 CFR, § 70.9(b) (whether such costs are incurred by the permitting authority or other State or local agencies that do not issue permits directly, but that support permit issuance or administration).~~

173. "Permitting authority" means the department or a county department or agency that is charged with enforcing a permit program adopted pursuant to A.R.S. § 49-480, subsection A.

174. "Person" includes any public or private corporation, company, partnership, firm,

trust, association or society of persons, the federal government and any of its departments or agencies, the state and any of its agencies, departments or political subdivisions, as well as a natural person.

175. "Petroleum liquids" means any crude petroleum or any finished or intermediate products which are manufactured by crude petroleum processing and finishing operations.

176. "Petroleum product" means any petroleum liquid having a vapor pressure of 1.5 psia or greater, including gasoline manufactured by any process.

177. "Physical change" means any replacement, addition or alteration of equipment that is not already allowed under the terms of the source's permit.

178. "Planning agency" means the organization designated by the governor pursuant to 42 United States Code Section 7504 as having the authority and responsibility of preparing nonattainment area plans.

179. "Plume" means visible effluent.

180. "PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by a reference method contained within 40 CFR 50 Appendix J or by an equivalent method designated in accordance with 40 CFR 53.

181. "PM10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten micrometers emitted to the ambient air as measured by applicable test methods and procedures described in section 17.12.040.

182. "Portable source" means any building, structure, facility or installation subject to regulation pursuant to A.R.S. §49-426 which emits or may emit any air pollutant and is capable of being operated at more than one location.

183. "Potential to emit" or "potential emission rate" means the maximum capacity of a stationary source to emit pollutant, excluding secondary emissions, under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

184. "Primary ambient air quality standards" means the ambient air quality standards which define levels of air quality necessary, with an adequate margin of safety, to protect the public health, as specified in Chapter 17.08, Article I.

185. "Primary standard attainment date" means the date defined within a nonattainment area plan in accordance with 42 United States code sections 7401 through 7515 and after which

date primary national ambient air quality standards may not be violated.

186. "Private driveway" means a road constructed for the sole purpose of gaining access to a one or two-family residence.

~~187. "Private residence" means a one or two family dwelling unit.~~

188. "Process" means one or more operations, including equipment and technology, used in the production of goods or services or the control of by-products or waste.

189. "Process source" means the last operation or process which produces an air contaminant resulting from either:

a. The separation of the air contaminants from the process material, or

b. The conversion of constituents of the process materials into air contaminants which is not an air pollution abatement operation.

190. "Process weight" means the total weight of all materials introduced into a source, including fuels, where these contribute to pollution generated by the process.

191. "Process weight rate" means a rate established pursuant to 17.16.130 (F).

192. "Proposed permit" means the version of a permit for which the control officer offers public participation or affected state review under the provisions of Chapter 17.12, Article II.

193. "Proposed final permit" means the version of a Title V permit that the Department proposes to issue and forwards to the Administrator for review under the provisions of Chapter 17.12, Article II.

194. "Quantifiable emission reductions (and increases)" are those for which both the amount and the character of those emissions may be quantified. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, process or production inputs, modeling, or other reasonable measurement practices. Quantification methods shall be credible, workable and replicable. The method for calculating emissions should be used to measure the emissions both before and after the changes in emission levels, both at the generator and at the user of the emission reduction.

195. "RACT (reasonably available control technology)" means devices, systems process modifications, or other apparatus or techniques that are reasonably available taking into account (1) the necessity of imposing such controls, (2) the social, environmental and economic impact of such controls, and (3) alternative available measures.



196. "Reasonable further progress" means the schedule of emission reductions defined within a nonattainment area plan as being necessary to come into compliance with a national ambient air quality standard by the primary standard attainment date.

197. "Reclaiming machinery" means any machine, equipment device or other article used for picking up stored granular material and either depositing this material on a conveyor or reintroducing this material into the process.

198. "Reconstruction" of sources located in nonattainment areas shall be presumed to have taken place where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new stationary source, as determined in accordance with the provisions of 40 CFR 60.15(f)(1)-(3).

199. "Recovery furnace" means the unit, including the direct-contact evaporator for a conventional furnace, used for burning black liquor to recover chemicals consisting primarily of sodium carbonate and sodium sulfide.

200. "Reference method" means the methods of sampling and analyzing for an air pollutant as described in the Arizona Testing Manual; 40 CFR 50, Appendices A through K; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C.

201. "Regulated air pollutant" means any of the following:

- a. Any conventional air pollutant as defined in A.R.S. § 49-401.01.
- b. Nitrogen oxides and volatile organic compounds.
- c. Any air contaminant that is subject to a standard contained in Chapter 17.16, Article VI.

~~d. Any hazardous air pollutant as defined in A.R.S. § 49-401.01.~~

~~e. Any class I or II substance listed in section 602 of the Act (Listing of Class I and Class II Substances).~~

~~202. "Regulated asbestos-containing material (RACM)" means:~~

- ~~a. Friable asbestos material;~~
- ~~b. Category I nonfriable ACM that has become friable;~~
- ~~c. Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting or abrading, or~~

~~d. Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this title.~~

203. "Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquified petroleum gases, as determined by ASTM D-323-90 (Test Method for Vapor Pressure of Petroleum Products) (Reid Method).

204. "Resource recovery project" means any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse. Only energy conversion facilities that utilize solid waste which provides more than 50 percent of the heat input shall be considered a resource recovery project under this Article.

~~205. "Responsible official" means one of the following:~~

~~a. For a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:~~

~~(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or~~

~~(ii) The delegation of authority to such representatives is approved in advance by the permitting authority;~~

~~b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;~~

~~c. For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this Article, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or~~

~~d. For affected sources:~~

~~(i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Act (Acid Deposition Control) or the regulations promulgated thereunder are concerned; and~~

(ii) ~~The designated representative for any other purposes under 40 CFR part 70.~~

206. "Reverberatory smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided primarily by combustion of a fossil fuel.

207. "Road" means a path, trail, driveway, freeway, street, or accessway which is constructed for principle use by vehicular traffic.

208. "Road construction" means the construction of a new roadway or the conversion of an existing unpaved road to a paved road.

209. "Rotary lime kiln" means a unit with an included rotary drum which is used to produce a lime product from limestone by calcination.

210. "Rules and regulations" means the complete set of Pima County air quality control district rules and regulations contained in this Title, including any future revisions, additions, or amendments, specifically referring to this Title and future amendments as distinguished from any former rules and regulations.

211. "Run" means the net period of time during which an emission sample is collected, which may be, unless otherwise specified, either intermittent or continuous within the limits of good engineering practice.

212. "Scrap metal sweater" or "sweater" means a furnace designed to melt metallic scrap for the principle purpose of separating and recovering the metal.

213. "Secondary ambient air quality standards" means the ambient air quality standards which define levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant, as specified in Chapter 17.08, Article I.

214. "Secondary emissions" means emissions which are specific, well defined, quantifiable, occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

215. "Service road" means a road constructed for the principle purpose of providing maintenance or service of/to pipelines, power lines, farmland, public utilities, right-of-way, or

refuse collection.

216. "Shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose, except routine phasing out of process equipment.

217. "Significance levels" means the following ambient concentrations for the enumerated pollutants:

Pollutant	Averaging Time				
	Annual	24 Hour	8 Hour	3 Hour	1 Hour
SO <sub>2</sub>	1 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>		25 µg/m <sup>3</sup>	
NO <sub>2</sub>	1 µg/m <sup>3</sup>				
CO			0.5 mg/m <sup>3</sup>		2 mg/m <sup>3</sup>
PM <sub>10</sub>	1 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>			

Except for the annual pollutant concentrations, exceedance of significance levels shall be deemed to occur when the ambient concentrations of the above pollutants is exceeded more than once per year at any one location. If such concentrations occur at a specific location and at a time when Arizona ambient air quality standards for such pollutant is not violated, then the significance level does not apply.

218. "Significant" means:

a. In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

<u>Pollutant</u>	<u>Emissions Rate</u> <u>(tons per year)</u>
Carbon monoxide	100 tpy
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Particulate matter	25 tpy
PM10	15 tpy
VOC	40 tpy
Lead	0.6 tpy
Fluorides	3 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H <sub>2</sub> S)	10 tpy
Total reduced sulfur (including H <sub>2</sub> S)	10 tpy
Reduced sulfur compounds (including H <sub>2</sub> S)	10 tpy

Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.5x10 <sup>-6</sup> tpy
Municipal waste combustor metals (measured as particulate matter)	15 tpy
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tpy

b. In ozone nonattainment areas classified as serious or severe, significant emissions of VOC shall be determined under section 17.16.580.

c. In reference to a regulated air pollutant that is not listed in subparagraph (a), is not a Class I or II substance listed in Section 602 of the Act and is not a hazardous air pollutant according to A.R.S. § 49-401.01(11), any emission rate.

d. Notwithstanding the emission amount listed in paragraph (a), any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers of a Class I area and have an impact on the ambient air quality of such area equal to or greater than 1 µg/m<sup>3</sup> (24-hour average).

219. "Slag" means the fused and vitrified matter separated during the reduction of a metal from its ore.

220. "Smelt dissolving tank" means a vessel used for dissolving the smelt collected from the kraft mill recovery furnace.

221. "Smelter feed" means all materials utilized in the operation of a copper smelter including metals or concentrates, fuels and chemical reagents, calculated as the aggregate sulfur content of all fuels and other feed materials whose products of combustion and gaseous by-products are emitted to the atmosphere.

222. "Smelting" means processing techniques for the smelting of a copper sulfide ore concentrate or calcine charge leading to the formation of separate layers of molten slag, molten copper, or copper matte.

223. "Smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided by an electric current, rapid oxidation of a portion of the sulfur contained in the concentrate as it passes through an oxidizing atmosphere, or the combustion of a fossil fuel.

224. "Smoke" means particulate matter resulting from incomplete combustion.

225. "Solvent degreasing" means the removal of loosely held uncured adhesives, uncured ink, uncured coatings and contaminants which include dirt, soil and grease from parts, products,

tools, machinery, equipment, and general work areas using a solvent that contains 2% by weight or more of a regulated air pollutant.

226. "Solvent degreasing unit" means any single container with a capacity of two gallons or more used for solvent degreasing.

227. "Source" means any building, structure, facility or installation that may cause or contribute to air pollution or the use of which may eliminate, reduce or control the emission of air pollution.

228. "Source operator" means an originator, owner or operator, or lessee of an emission source.

229. "Spot painting" means:

a. any spray painting for the purpose of lettering, stenciling, or identifying containers or similar work, or

b. any painting using a spray can, or

c. any spray painting where less than 50% of the total surface area of the object is coated and the total surface area coated is less than 16 square feet.

230. "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

231. "Stack emissions" means emissions which enter the air by passing through a vent, stack, flue, or other similar containing or restrictive device designed or installed for the principle purpose of discharging the effluent.

232. "Stack in existence" means that the owner or operator had either:

a. Begun, or caused to begin, a continuous program of physical on-site construction of the stack, or

b. Entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

233. "Standard conditions" means a temperature of 293°K (68°F or 20°C) and a pressure of 101.3 kilopascals (29.92 inches Hg or 1013.25 mb).

234. "Start-up" means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.

235. "State" means the state of Arizona unless the context indicates otherwise.

236. "State implementation plan" (SIP) means the plan adopted by the state of Arizona which provides for implementation, maintenance, and enforcement of such primary and secondary ambient air quality standards as are adopted by the Administrator, pursuant to the Act.

237. "Stationary rotating machinery" means any gas engine, diesel engine, gas turbine, or oil fired turbine operated from a stationary mounting and used for the production of electric power or for the direct drive of other equipment.

238. "Stationary source" means any building, structure, facility or installation subject to regulation which emits or may emit any air pollutant.

239. "Submerged fill pipe" means a fill pipe or nozzle which extends below the surface of liquid in the receiving vessel for at least ninety-five percent of the volume filled, or a similar device which extends to within six inches of the bottom of the receiving vessel.

240. "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized as a means of preventing emissions of sulfur dioxide or other sulfur compounds to the atmosphere.

241. "Supplementary control system" (SCS) means a system by which sulfur dioxide emissions are curtailed during periods when meteorological conditions conducive to ground-level concentrations in excess of ambient air quality standards for sulfur dioxide either exist or are anticipated.

~~242. "Surplus" means emission reductions not required by current regulations in the SIP; not already relied upon for SIP planning purposes; and not used by the source to meet any other regulatory requirement, including, at the ERC's time of use, RACT, RFP or milestones, or demonstration of attainment.~~

243. "Temporary source" means a source which is portable, as defined in A.R.S. § 49-401.01(23) and which is not an affected source.

244. "Title V source" means

- a. any major source;
- b. any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources);
- c. any source, including an area source, subject to a standard or other

requirement under section 112 of the Act (Hazardous Air Pollutants);

- d. any affected source; and
- e. any source in a source category designated by the Administrator pursuant to 40 CFR 70.

245. "Total reduced sulfur" (TRS) means the sum of the sulfur compounds, primarily hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during the kraft pulping operation and other operations and measured by Method 16 in 40 CFR 60, Appendix A.

246. "Total suspended particulate" (TSP) means all particulate matter as measured by the reference method described in 40 CFR 50, Appendix B, plus any particulate matter from fugitive emissions quantified by methods approved by the control officer.

247. "Unclassified area" means an area which the Administrator, because of a lack of adequate data, is unable to classify as an attainment or nonattainment area for a specific pollutant, and which, for purposes of this Title, is treated as an attainment area.

248. "Uncombined water" means condensed water containing analytical trace amounts of other chemical elements or compounds.

249. "Unpaved road" means a road which is not covered with dust-suppressing materials and maintained in such a manner that visible emissions of dust from the road surface are permanently prevented other than during times of normal cleaning and/or after flooding.

250. "Urban or suburban open area" means an unsubdivided tract of land surrounding a substantial urban development of a residential, industrial, or commercial nature and which, though near or within the limits of a city or town, may be uncultivated, used for agriculture, or lie fallow.

~~251. "Used Oil" means oil that has been refined from crude oil and that has been contaminated by physical or chemical impurities as a result of use.~~

~~252. "Used Oil Fuel" means used oil that is to be burned for energy recovery, including fuel which is produced from used oil by processing, blending or other treatment.~~

253. "Vacant lot" means a subdivided residential or commercial lot which contains no buildings or structures of a temporary or permanent nature.

254. "Vapor" means the gaseous form of a substance normally occurring in a liquid or solid state.



255. "Vapor pressure" means the pressure exerted by the gaseous form of a substance in equilibrium with its liquid or solid form.

256. "Vapor recovery/disposal system" means a system which consists of one of the following:

a. A system which processes the displaced vapors and either recovers or disposes of the vapors being processed so as to prevent an emission rate greater than 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere.

b. A vapor handling system which directs at least ninety-five percent by weight of the displaced vapors to a vapor capture and/or recovery system.

c. Other equipment of an efficiency equal to or greater than paragraph a or b of this subdivision and approved by the control officer.

257. "Visibility impairment" means any humanly perceptible change in visibility from that which would have existed under natural conditions.

258. "Visible emissions" means any emissions which are visually detectable without the aid of instruments and which contain particulate matter.

259. "Volatile organic compounds (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound other than the following:

- a. Methane;
- b. Ethane;
- c. Methylene chloride (dichloromethane);
- d. 1,1,1-trichloroethane (methyl chloroform);
- e. 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113);
- f. Trichlorofluoromethane (CFC-11);
- g. Dichlorodifluoromethane (CFC-12);
- h. Chlorodifluoromethane (CFC-22);
- i. Trifluoromethane (FC-23);
- j. 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
- k. Chloropentafluoroethane (CFC-115);
- l. 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
- m. 1,1,1,2-tetrafluoroethane (HFC-134a);
- n. 1,1-dichloro 1-fluoroethane (HCFC-141b);
- o. 1-chloro 1,1-difluoroethane (HCFC-142b);
- p. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- q. Pentafluoroethane (HFC-125);

- r. 1,1,2,2-tetrafluoroethane (HFC-134);
- s. 1,1,1-trifluoroethane (HFC-143a);
- t. 1,1-difluoroethane (HFC-152a); and
- u. perfluorocarbon compounds which fall into these classes:
  - (i) Cyclic, branched, or linear, completely fluorinated alkanes;
  - (ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
  - (iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
  - (iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

260. "Wood waste burner" means an incinerator designed and used exclusively for the burning of wood wastes consisting of wood slabs, scraps, shavings, barks, sawdust or other wood material, including those that generate steam as a by-product.

#### **17.04.420 Applicable implementation plan; savings.**

No rule adopted in this title shall preempt or nullify any applicable requirement or emission standard in an applicable implementation plan unless the control officer revises the applicable implementation plan in conformance with the requirements of 40 CFR Part 51, subpart F, and the Administrator approves the revision.

### **Chapter 17.08**

#### **17.08.020 Sulfur Oxides.**

A. The primary ambient air quality standards for sulfur oxides measured as sulfur dioxide using the reference method described in 40 CFR 50, appendix A, or by an equivalent method, are:

1. 80 micrograms per cubic meter (0.03 parts per million), annual arithmetic mean; and
2. 365 micrograms per cubic meter (0.14 parts per million), maximum 24-hour concentration not to be exceeded more than once per year.

B. The secondary ambient air quality standard for sulfur dioxide is 1300 micrograms per cubic meter (0.5 parts per million) maximum 3-hour concentration not to be exceeded more than once per year.

#### **17.08.030 Particulate Matter (PM<sub>10</sub>).**

A. The primary and secondary 24-hour ambient air quality standards for particulate matter

are 150 micrograms per cubic meter, 24-hour average concentration. The standards are attained when the expected number of days per calendar year with a 24 hour concentration above 150 micrograms per cubic meter, as determined in accordance with 40 CFR 50, appendix K, is equal to or less than one.

B. The primary and secondary annual ambient air quality standards for particulate matter are 50 micrograms per cubic meter, annual arithmetic mean. The standard is attained when the expected annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, appendix K, is less than or equal to 50 micrograms per cubic meter.

C. For the purpose of determining attainment of the primary and secondary ambient air quality standards, particulate matter shall be measured in the ambient air as PM<sub>10</sub> (particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers) by:

1. A reference method based on 40 CFR 50, appendix J, and designated in accordance with 40 CFR 53, or

2. An equivalent method designated in accordance with 40 CFR 53.

#### **17.08.040 Carbon Monoxide.**

A. The primary ambient air quality standards for carbon monoxide are:

1. Nine (9) parts per million [ten (10) milligrams per cubic meter] for an 8-hour average concentration not to be exceeded more than once per year, and

2. Thirty-five (35) parts per million [forty (40) milligrams per cubic meter] for a one-hour average concentration not to be exceeded more than once per year.

B. The levels of carbon monoxide in the ambient air shall be measured by:

1. A reference method based on 40 CFR 50, appendix C, and designated in accordance with 40 CFR 53, or

2. An equivalent method designated in accordance with 40 CFR 53.

#### **17.08.050 Ozone.**

A. The primary and secondary ambient air quality standards for ozone are 0.12 parts per million (235 micrograms per cubic meter) for a one-hour concentration.

B. The standards are attained when the expected number of days per calendar year with maximum hourly concentrations above 0.12 parts per million (235 micrograms per cubic meter) is equal to or less than one (1), as determined by 40 CFR 50, appendix H.

C. The levels of ozone in the ambient air shall be measured by a reference method based on 40 CFR 50, appendix D, and designated in accordance with 40 CFR 53.

**17.08.060 Nitrogen Dioxide.**

A. The primary and secondary ambient air quality standards for nitrogen dioxide are 0.053 parts per million (100 micrograms per cubic meter), annual arithmetic mean concentration.

B. The standards are attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 parts per million, rounded to three decimal places (fractional parts equal to or greater than 0.0005 must be rounded up). To demonstrate attainment, an annual mean shall be based upon hourly data that are at least seventy-five percent complete for the scheduled sampling days in each calendar quarter.

C. The levels of nitrogen dioxide in the ambient air shall be measured by:

1. A referenced method based on 40 CFR 50, appendix F, and designated in accordance with 40 CFR 53, or

2. An equivalent method designated in accordance with 40 CFR 53.

**17.08.070 Lead.**

A. The primary and secondary ambient air quality standards for lead and its compounds are 1.5 micrograms per cubic meter, maximum arithmetic mean averaged over a calendar quarter.

B. The levels of lead and its compounds in the ambient air shall be measured as elemental lead by:

1. A reference method based on 40 CFR 50, appendix G, and designated in accordance with 40 CFR 53, or

2. An equivalent method designated in accordance with 40 CFR 53.

**17.08.080 Ambient air quality monitoring methods and procedures.**

A. Only those methods which have been either designated by the Administrator as reference or equivalent methods shall be used to monitor ambient air.

B. Quality assurance, monitor siting, and sample probe installation procedures shall be in accordance with procedures described in the Appendices to 40 CFR 58.

**17.08.090 Interpretation of ambient air quality standards and evaluation of air quality data.**

A. Unless otherwise specified, interpretation of all ambient air quality standards contained in this Title shall be in accordance with 40 CFR 50.

B. The evaluation of air quality data in terms of procedure, methodology, and concept is to be consistent with methods described in 40 CFR 50.

**17.08.100 Designation and classification of attainment areas.**

A. All attainment and unclassified areas or parts thereof shall be classified as either Class I, Class II or Class III.

B. All of the following areas which were in existence on August 7, 1977, shall be Class I areas irrespective of attainment status and shall not be redesignated:

1. International parks.
2. National wilderness areas which exceed 5,000 acres in size.
3. National memorial parks which exceed 5,000 acres in size.
4. National parks which exceed 6,000 acres in size.

C. The following areas shall be designated only as Class I or II:

1. An area which as of August 7, 1977, exceeds 10,000 acres in size and is one of the following:

- a. A national monument.
- b. A national primitive area.
- c. A national preserve.
- d. A national recreational area.
- e. A national wild and scenic river.
- f. A national wildlife refuge.
- g. A national lakeshore or seashore.

2. A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

D. All other areas shall be Class II areas unless redesignated under subsections (E) or (F) of this Section.

E. The Governor or the Governor's designee may request that the Administrator redesignate areas of the state as Class I or Class II, provided that the following requirements are fulfilled:

1. At least one public hearing is held in or near the area affected;
2. Other states, Indian governing bodies and Federal Land Managers, whose land may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing.
3. A discussion document of the reasons for the proposed redesignation including a description and analysis of health, environmental, economic, social and energy effects of the proposed redesignation is prepared by the Governor or the Governor's designee. The discussion document shall be made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing shall contain appropriate notification of the availability of such discussion document.
4. Prior to the issuance of notice respecting the redesignation of an area which includes any Federal lands, the Governor or the Governor's designee has provided written notice to the appropriate Federal Land Manager and afforded the Federal Land Manager adequate opportunity, not in excess of 60 days, to confer with the state respecting the redesignation and to submit written comments and recommendations. The Governor or the Governor's designee shall publish a list of any inconsistency between such redesignation and such recommendations, together with the reasons for making such redesignation against the recommendation of the Federal Land Manager, if any Federal Land Manager has submitted written comments and recommendations.
5. The redesignation is proposed after consultation with the elected leadership of local governments in the area covered by the proposed redesignation.
6. The redesignation is submitted to the Administrator as a revision to the SIP.

F. The Governor or the Governor's designee may request that the Administrator redesignate areas of the state as Class III if all of the following criteria are met:

1. Such redesignation meets the requirements of subsection (E) of this Section.
2. Such redesignation has been approved after consultation with the appropriate committee of the legislature if it is in session or with the leadership of the legislature if it is not in session.
3. The general purpose units of local government representing a majority of the residents of the area to be redesignated concur in the redesignation.
4. Such redesignation shall not cause, or contribute to, concentration of any air pollutant which exceeds any maximum allowable increase or maximum allowable concentration permitted under the classification of any area.

5. For any new major source or a major modification of such source which may be permitted to be constructed and operated only if the area in question is redesignated as Class III, any permit application or related materials shall be made available for public inspection prior to a public hearing.

6. The redesignation is submitted to the Administrator as a revision to the SIP.

G. A redesignation shall not be effective until approved by the Administrator as part of an applicable implementation plan.

H. Lands within the exterior boundaries of Indian reservations may be redesignated only by the appropriate Indian governing body.

**17.08.150 Limitation of pollutants in classified attainment areas.**

A. Areas designated as Class I, II, or III shall be limited to the increases in air pollutant concentrations shown in Table 17.08.150 occurring over the baseline concentration, provided that for any period other than an annual period, the applicable maximum allowable increase may be exceeded once per year at any one location.

B. The baseline concentration shall be that ambient concentration level which exists in the baseline area at the time of the applicable minor source baseline date.

1. The major source baseline date is:

- a. January 6, 1975, for sulfur dioxide and particulate matter; and
- b. February 8, 1988, for nitrogen dioxide.

2. The minor source baseline date shall be the earliest date after August 7, 1977, for sulfur dioxide and particulate matter, and February 8, 1988, for nitrogen dioxide, that either:

a. The minor source as defined in Chapter 17.04, Article IX, or a major modification submits a complete permit application to the Administrator under 40 CFR 52.21; or

b. A major source as defined in Chapter 17.04, Article IX, or a major modification submits a complete permit application to the control officer under Chapter 17.12, Article II.

3. A baseline concentration shall be determined for each pollutant for which there is a minor source baseline date and shall include both:

a. The actual emissions representative of sources in existence on the minor source baseline date, except as provided in paragraph 4 of this subsection; and

b. The allowable emissions of major sources as defined in Chapter 17.04, Article IX, which commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

4. The following shall not be included in the baseline concentration and shall effect the applicable maximum allowable increase:

a. Actual emissions from any major source as defined in Chapter 17.04, Article IX, on which construction commenced after the major source baseline date; and

b. Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

C. The baseline date shall be established for each pollutant for which maximum allowable increases or other equivalent measures have been established if both:

1. The area in which the proposed source or modification would construct is designated as attainment or unclassifiable for the pollutant on the date of its complete application under either subsection B.2. a or b; and

2. In the case of a major source as defined in Chapter 17.04, Article IX, the pollutant would be emitted in significant amounts, or in the case of a major modification, there would be a significant net emissions increase of the pollutant.

D. The baseline area shall be any area, within any intrastate area designated as attainment or unclassifiable, in which the major source as defined in Chapter 17.04, Article IX, or a major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than  $1 \mu\text{g}/\text{m}^3$  (annual average) of the pollutant for which the minor source baseline date is established. Area redesignations under 17.08.100 cannot intersect or be smaller than the area of impact of any new major source as defined in Chapter 17.04, Article IX, or a major modification which either:

1. Establishes a minor source baseline date; or

2. Is subject to either 40 CFR 52.21 or Chapter 17.16, Article VIII, and would be constructed in Arizona.

E. The maximum allowable concentration of any air pollutant in any area to which subsection (A) of this Section applies shall not exceed a concentration for each pollutant equal to the concentration permitted under the ambient air quality standards contained in this Article.

F. For purposes of determining compliance with the maximum allowable increases in ambient concentrations of an air pollutant, the following concentrations of such pollutant shall not be taken into account:



1. Concentration of such pollutant attributable to the increase in emissions from major and stationary sources which have converted from the use of petroleum products, or natural gas, or both, by reason of a natural gas curtailment order which is in effect under the provisions of Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. § 792, over the emissions from such sources before the effective date of such order;

2. The concentration of such pollutant attributable to the increase in emissions from major and stationary sources which have converted from using gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, 16 U.S.C. §§ 792 - 825r, over the emissions from such sources before the effective date of the natural gas curtailment plan;

3. Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary activities of a new or altered source;

4. The increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration; and

5. Concentrations attributable to the temporary increase in emissions of sulfur dioxide, nitrogen oxides or particulate matter from major sources as defined in Chapter 17.04, Article IX, when the following conditions are met:

a. The permit issued to such sources specifies the time period during which the temporary emissions increase of sulfur dioxide, nitrogen oxides or particulate matter would occur. Such time period shall not be renewable and shall not exceed two years unless a longer period is specifically approved by the control officer.

b. No emissions increase shall be approved which would either:

(i) Impact any portion of any Class I area or any portion of any other area where an applicable incremental ambient standard is known to be violated in that portion; or

(ii) Cause or contribute to the violation of a state ambient air quality standard.

c. The permit issued to such sources specifies that at the end of the time period described in subparagraph a of this subdivision, the emissions levels from the sources would not exceed the levels occurring before the temporary emissions increase was approved.

6. The exception granted with respect to increment consumption under subdivisions 1 and 2 of subsection F shall not apply more than five years after the effective date of the order

or natural gas curtailment plan on which the exception is based.

G. If the control officer or the Administrator determines that the SIP is substantially inadequate to prevent significant deterioration or that an applicable maximum allowable increase as specified in subsection (A) of this Section is being violated, the SIP shall be revised to correct the inadequacy or the violation. The SIP shall be revised within 60 days of such a finding by the control officer or within 60 days following notification by the Administrator, or by such later date as prescribed by the Administrator after consultation with the control officer.

H. The control officer shall review the adequacy of the SIP on a periodic basis and within 60 days of such time as information becomes available that an applicable maximum allowable increase is being violated.

Table 17.08.150 Air Pollutant Concentration Increase Limits		
Class I Areas		
Pollutant	Applicable Standard	Maximum Allowable Increase ( $\mu\text{g}/\text{m}^3$ )
PM <sub>10</sub>	Annual Arithmetic Mean	4
PM <sub>10</sub>	24-hour Maximum	8
SO <sub>2</sub>	Annual Arithmetic Mean	2
SO <sub>2</sub>	24-hour Maximum	5
SO <sub>2</sub>	3-hour Maximum	25
NO <sub>2</sub>	Annual Arithmetic Mean	2.5
Class II Areas		
Pollutant	Applicable Standard	Maximum Allowable Increase ( $\mu\text{g}/\text{m}^3$ )
PM <sub>10</sub>	Annual Arithmetic Mean	17
PM <sub>10</sub>	24-Hour Maximum	30
SO <sub>2</sub>	Annual Arithmetic Mean	20
SO <sub>2</sub>	24-Hour Maximum	91
SO <sub>2</sub>	3-Hour Maximum	512
NO <sub>2</sub>	Annual Arithmetic Mean	25
Class III Areas		
Pollutant	Applicable Standard	Maximum Allowable Increase ( $\mu\text{g}/\text{m}^3$ )
PM <sub>10</sub>	Annual Arithmetic Mean	34

PM <sub>10</sub>	24-hour Maximum	60
SO <sub>2</sub>	Annual Arithmetic Mean	40
SO <sub>2</sub>	24-Hour Maximum	182
SO <sub>2</sub>	3-Hour Maximum	700
NO <sub>2</sub>	Annual Arithmetic Mean	50
(Ord. 1993-128 § 2, 1993)		

## Chapter 17.12

### **17.12.040 Test methods and procedures.**

A. Except as otherwise specified in this Chapter, the applicable procedures and testing methods contained in the Arizona Testing Manual; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C shall be used to determine compliance with the requirements established in this Title or contained in permits issued pursuant to this Title.

B. Except as otherwise provided in this subsection the opacity of visible emissions shall be determined by Reference Method 9 of the Arizona Testing Manual. A permit may specify a method, other than Method 9, for determining the opacity of emissions from a particular emissions unit, if the method has been promulgated by the Administrator in 40 CFR 60, Appendix A.

C. Except as otherwise specified in this Chapter, the heat content of solid fuel shall be determined according to ASTM method D-3176-89, (Practice for Ultimate Analysis of Coal and Coke) and ASTM method D-2015-91, (Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter).

D. Except for ambient air monitoring and emissions testing required under Chapter 17.16, Articles VI and VII, alternative and equivalent test methods in any test plan submitted to the control officer may be approved by the control officer for the duration of that plan provided that the following three criteria are met:

1. The alternative or equivalent test method measures the same chemical and physical characteristics as the test method it is intended to replace.

2. The alternative or equivalent test method has substantially the same or better reliability, accuracy, and precision as the test method it is intended to replace.

3. Applicable quality assurance procedures are followed in accordance with the Arizona Testing Manual, 40 CFR 60 or other methods approved by the control officer.

### **17.12.050 Performance tests.**

A. Sources required to conduct performance tests pursuant to this Title shall do so within 60 days after the source has achieved the capability to operate at its maximum production rate on a sustained basis but no later than 180 days after initial start-up of such source and at such other times as may be required by the control officer, the owner or operator of such source shall conduct performance tests and furnish the control officer a written report of the results of the tests.

B. Performance tests shall be conducted and data reduced in accordance with the test method and procedures contained in the Arizona Testing Manual unless the control officer:

1. Specifies or approves, in specific cases, the use of a reference

method with minor changes in methodology,

2. Approves the use of an equivalent method,

3. Approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, or

4. Waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the control officer's satisfaction that the source is in compliance with the standard.

5. Nothing in this Section shall be construed to abrogate the control officer's authority to require testing.

C. Performance tests shall be conducted under such conditions as the control officer shall specify to the plant operator based on representative performance of the source. The owner or operator shall make available to the control officer such records as may be necessary to determine the conditions of the performance tests. Operations during periods of start-up, shutdown, and malfunction shall not constitute representative conditions of performance tests unless otherwise specified in the applicable standard.

D. The owner or operator of a permitted source shall provide the control officer two weeks prior notice of the performance test to afford the control officer the opportunity to have an observer present.

E. The owner or operator of a permitted source shall provide, or cause to be provided, performance testing facilities as follows:

1. Sampling ports adequate for test methods applicable to such facility.
2. Safe sampling platform(s).
3. Safe access to sampling platform(s).
4. Utilities for sampling and testing equipment.

F. Each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs is required to be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the control officer's approval, be determined using the arithmetic means of the results of the two other runs. If the control officer, or the control officer's designee, is present, tests may only be stopped with the control officer's, or such designee's, approval. If the control officer, or the control officer's designee, is not present, tests may only be stopped for good cause, which includes forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the operator's control. Termination of testing without good cause after the first run is commenced shall constitute a failure of the test.

G. Except as provided in Subsection (H), compliance with the emission limits established in this title or as prescribed in permits issued pursuant to this title shall be determined by the performance tests specified in this Section or in the permit.

H. In addition to performance tests specified in this Section, compliance with specific emission limits may be determined by:

1. Opacity tests.
2. Emission limit compliance tests specifically designated as such in the regulation establishing the emission limit to be complied with.

3. Continuous emission monitoring, where applicable quality assurance procedures are followed and where it is designated in the permit or in an applicable requirement to show compliance.

I. Nothing in this Section shall be so construed as to prevent the utilization of measurements from emissions monitoring devices or techniques not designated as performance tests as evidence of compliance with applicable good maintenance and operating requirements. (Ord. 1994-83 § 5, 1994: Ord. 1993-128 § 3 (part), 1993)

#### 17.12.060 Existing source emission monitoring.

A. Every source subject to an existing source performance standard as specified in this title shall install, calibrate, operate, and maintain all monitoring equipment necessary for continuously monitoring the pollutants and other gases specified in this Section for the applicable source category.

##### 1. Applicability.

a. Fossil fuel-fired steam generators as specified in subdivision 1 of subsection C of this Section, shall be monitored for opacity, nitrogen oxides emissions, sulfur dioxide emissions, and oxygen or carbon dioxide.

b. Fluid bed catalytic cracking unit catalyst regenerators, as specified in subdivision 4 of subsection C of this Section, shall be monitored for opacity.

c. Sulfuric acid plants, as specified in subdivision 3 of subsection C of this Section, shall be monitored for sulfur dioxide emissions.

d. Nitric acid plants, as specified in subdivision 2 of subsection C of this Section, shall be monitored for nitrogen oxides emissions.

##### 2. Exemptions.

a. Emission monitoring shall not be required when the source of emissions is not operating.

##### 3. Variations.

a. Unless otherwise prohibited by the Act, the control officer may approve, on a case-by-case basis, alternative monitoring requirements different from the provisions of this Section if the installation of a continuous emission monitoring system cannot be implemented by a source due to physical plant limitations or extreme economic reasons. Alternative monitoring procedures shall be specified by the control officer on a case-by-case basis and shall include as a minimum, annual manual stack tests for the pollutants identified for each type of source in this Section.

b. Alternative monitoring requirements may be prescribed when installation of a continuous monitoring system or monitoring device specified by this Section would not provide accurate determinations of emissions (e.g., condensed, uncombined water vapor may prevent an accurate determination of opacity using commercially available continuous monitoring systems).

c. Alternative monitoring requirements may be prescribed when the affected facility is infrequently operated (e.g., some affected facilities may operate less than one month per year).

4. Monitoring system malfunction: A temporary exemption from the monitoring and reporting requirements of this Section may be provided during any period of monitoring system malfunction, provided that the source owner or operator demonstrates that the malfunction was unavoidable and is being repaired expeditiously.

B. Installation and performance testing required under this Section shall be

completed and monitoring and recording shall commence within 18 months of the effective date of this Section.

C. Minimum monitoring requirements:

1. Fossil-fuel fired steam generators: Each fossil-fuel fired steam generator, except as provided in the following paragraphs, with an annual average capacity factor of greater than 30 percent, as reported to the Federal Power Commission for calendar year 1976, or as otherwise demonstrated to the Department by the owner or operator, shall conform with the following monitoring requirements when such facility is subject to an emission standard for the pollutant in question.

a. A continuous monitoring system for the measurement of opacity which meets the performance specifications of this Section shall be installed, calibrated, maintained, and operated in accordance with the procedures of this Section by the owner or operator of any such steam generator of greater than 250 million Btu per hour heat input except where:

(i) Gaseous fuel is the only fuel burned, or

(ii) Oil or a mixture of gas and oil are the only fuels burned and the source is able to comply with the applicable particulate matter and opacity rules without utilization of particulate matter collection equipment, and where the source has never been found to be in violation through any administrative or judicial proceedings, or accepted responsibility for any violation of any visible emission standard.

b. A continuous monitoring system for the measurement of sulfur dioxide which meets the performance specifications of this Section shall be installed, calibrated, using sulfur dioxide calibration gas mixtures or other gas mixtures approved by the control officer, maintained and operated on any fossil-fuel fired steam generator of greater than 250 million Btu per hour heat input which has installed sulfur dioxide pollutant control equipment.

c. A continuous monitoring system for the measurement of nitrogen oxides which meets the performance specification of this Section shall be installed, calibrated, using nitric oxide calibration gas mixtures or other gas mixtures approved by the control officer, maintained and operated on fossil-fuel fired steam generators of greater than 1000 million Btu per hour heat input when such facility is located in an air quality control region where the control officer has specifically determined that a control strategy for nitrogen dioxide is necessary to attain the ambient air quality standard specified in 17.08.060, unless the source owner or operator demonstrates during source compliance tests as required by the Department that such a source emits nitrogen oxides at levels 30 percent or more below the emission standard within this title.

d. A continuous monitoring system for the measurement of the percent oxygen or carbon dioxide which meets the performance specifications of this Section shall be installed, calibrated, operated, and maintained on fossil-fuel fired steam generators where measurements of oxygen or carbon dioxide in the flue gas are required to convert either sulfur dioxide or nitrogen oxides continuous emission monitoring data, or both, to units of the emission standard within this title.

2. Nitric acid plants: Each nitric acid plant of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid located in an air quality control region where the control officer has specifically determined that a control strategy for nitrogen dioxide is necessary to attain the ambient air quality standard specified in Chapter 17.08, Article I, shall install, calibrate, using nitrogen dioxide calibration gas mixtures, maintain, and operate a continuous monitoring system for the measurement of nitrogen oxides which meets the performance specifications of this Section for each nitric acid producing facility within such plant.

3. Sulfuric acid plants: Each sulfuric acid plant as defined in section

17.04.340, of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall install, calibrate, using sulfur dioxide calibration gas mixtures or other gas mixtures approved by the control officer, maintain and operate a continuous monitoring system for the measurement of sulfur dioxide which meets the performance specifications of this Section for each sulfuric acid producing facility within such a plant.

4. Fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries: Each catalyst regenerator for fluid bed catalytic cracking units of greater than 20,000 barrels per day fresh feed capacity shall install, calibrate, maintain and operate a continuous monitoring system for the measurement of opacity which meets the performance specifications of this Section for each regenerator within such refinery.

D. Minimum specifications: Owners or operators of monitoring equipment installed to comply with this Section shall demonstrate compliance with the following performance specifications.

1. The performance specifications set forth in Appendix B of 40 CFR 60 are incorporated herein by reference, and shall be used by the control officer to determine acceptability of monitoring equipment installed pursuant to this Section. However where reference is made to the Administrator in Appendix B of 40 CFR 60, the control officer may allow the use of either the state approved reference method or the federally approved reference method as published in 40 CFR 60. The performance specifications to be used with each type of monitoring system are listed below.

a. Continuous monitoring systems for measuring opacity shall comply with performance specification 1.

b. Continuous monitoring systems for measuring nitrogen oxides shall comply with performance specification 2.

c. Continuous monitoring systems for measuring sulfur dioxide shall comply with performance specification 2.

d. Continuous monitoring systems for measuring oxygen shall comply with performance specification 3.

e. Continuous monitoring systems for measuring carbon dioxide shall comply with performance specification 3.

2. Calibration gases: Span and zero gases should be traceable to National Bureau of Standards reference gases whenever these reference gases are available. Every six months from date of manufacture, span and zero gases shall be reanalyzed by conducting triplicate analyses using the reference methods in Appendix A. Part 60, (Chapter 1, Title 40, CFR as amended: For sulfur dioxide, use Reference Method 6; for nitrogen oxides, use Reference method 7; and for carbon dioxide or oxygen, use Reference Method 3). The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.

3. Cycling time: Time includes the total time required to sample, analyze and record an emission measurement.

a. Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of sampling and analyzing for each successive six-minute period.

b. Continuous monitoring systems for measuring oxides of nitrogen, carbon dioxide, oxygen, or sulfur dioxide shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

4. Monitor location: All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions of process parameter (i.e., oxygen, or carbon dioxide) from the affected facility

are obtained. Additional guidance for location of continuous monitoring systems to obtain representative samples are contained in the applicable performance specifications of Appendix B of 40 CFR 60.

5. Combined effluents: When the effluents from two or more affected facilities of similar design and operating characteristics are combined before being released to the atmosphere through more than one point, separate monitors shall be installed.

6. Zero and drift: Owners or operators of all continuous monitoring systems installed in accordance with the requirements of this Section shall record the zero and span drift in accordance with the method prescribed by the manufacturer's recommended zero and span check at least once daily, using calibration gases specified in subsection C of this section as applicable, unless the manufacturer has recommended adjustments at shorter intervals, in which case such recommendations shall be followed; shall adjust the zero span whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in Appendix B of Part 60, Chapter 1, Title 40 CFR are exceeded.

7. Span: Instrument span should be approximately 200 percent of the expected instrument data display output corresponding to the emission standard for the source.

E. Minimum data requirement.

The following paragraphs set forth the minimum data reporting requirements for sources employing continuous monitoring equipment as specified in this Section. These periodic reports do not relieve the source operator from the reporting requirements of 17.12.180.

1. The owners or operators of facilities required to install continuous monitoring systems shall submit to the control officer a written report of excess emissions for each calendar quarter and the nature and cause of the excess emissions, if known. The averaging period used for data reporting shall correspond to the averaging period specified in the emission standard for the pollutant source category in question. The required report shall include, as a minimum, the data stipulated in this subsection.

2. For opacity measurements, the summary shall consist of the magnitude in actual percent opacity of all six-minute opacity averages greater than any applicable standards for each hour of operation of the facility. Average values may be obtained by integration over the averaging period or by arithmetically averaging a minimum of four equally spaced, instantaneous opacity measurements per minute. Any time periods exempted shall be deleted before determining any averages in excess of opacity standards.

3. For gaseous measurements the summary shall consist of emission averages in the units of the applicable standard for each averaging period during which the applicable standard was exceeded.

4. The date and time identifying each period during which the continuous monitoring system was inoperative, except for zero and span checks and the nature of system repair or adjustment shall be reported. The control officer may require proof of continuous monitoring system performance whenever system repairs or adjustments have been made.

5. When no excess emissions have occurred and the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be included in the report.

6. Owners or operators of affected facilities shall maintain a file of all information reported in the quarterly summaries, and all other data collected either by the continuous monitoring system or as necessary to convert monitoring data to the units of the applicable standard for a minimum of two years from the date of collection of such data or submission of such summaries.



F. Data reduction: Owners or operators of affected facilities shall use the following procedures for converting monitoring data to units of the standard where necessary.

1. For fossil-fuel fired steam generators the following procedures shall be used to convert gaseous emission monitoring data in parts per million to g/million cal (lb/million Btu) where necessary.

a. When the owner or operator of a fossil-fuel fired steam generator elects under paragraph d of subdivision 1 of subsection C of this section to measure oxygen in the flue gases, the measurements of the pollutant concentration and oxygen concentration shall each be on a consistent basis (wet or dry).

(i) When measurements are on a wet basis, except where wet scrubbers are employed or where moisture is otherwise added to stack gases, the following conversion procedure shall be used:

$$E_Q = C_{ws} F_w \frac{20.9}{20.9 (1 - B_{wa}) - \%O_{2ws}}$$

(ii) When measurements are on a wet basis and the water vapor content of the stack gas is determined at least once every fifteen minutes the following conversion procedure shall be used:

$$E_Q = C_{ws} F \frac{20.9}{20.9 (1 - B_{wa}) - \%O_{2ws}}$$

Note: Use of this equation is contingent upon demonstrating the ability to accurately determine B(ws) such that any absolute error in B(ws) will not cause an error of more than  $\pm 1.5$  percent in the term.

$$\frac{20.9}{20.9 (1 - B_{wa}) - \%O_{2ws}}$$

(iii) When measurements are on a dry basis, the following conversion procedure shall be used:

$$E_Q = CF \frac{20.9}{20.9 - \%O_{2ws}}$$

b. When the owner or operator elects under C.1.d. of this Section to measure carbon dioxide in the flue gases, the measurement of the pollutant concentration and the carbon dioxide concentration shall each be on a consistent basis (wet or dry) and the following conversion procedure used;

$$E_Q = CF_c \frac{100}{\%CO_2}$$

c. The values used in the equations under F.1. of this section are derived as follows:

$E_Q$  = pollutant emission, g/million cal (lb/million Btu)

C = pollutant concentration, g/dscm (lb/dscf), determined by multiplying the average concentration (ppm) for each hourly period by  $4.16 \times 10^{-5}$  M g/dscm per ppm ( $2.64 \times 10^{-9}$  M lb/dscf per ppm) where M = pollutant

molecular weight, g/g-mole (lb/lb-mole),  $M = 64$  for sulfur dioxide and 46 for oxides of nitrogen.

$C_{ws}$  = pollutant concentrations at stack conditions, g/wscm (lb/wscf), determined by multiplying the average concentration (ppm) for each one-hour period by  $4.15 \times 10^{-5}$  M lb/wscm per ppm ( $2.59 \times 10^{-5}$  M lb/wscf per ppm) where  $M$  = pollutant molecular weight, g/g mole (lb/lb mole).  $M = 64$  for sulfur dioxide and 46 for nitrogen oxides.

$\%O_2$ ,  $\%CO_2$  = Oxygen or carbon dioxide volume (expressed as percent) determined with equipment specified under D.1.d. of this Section.

$F$ ,  $F_c$  = A factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted ( $F$ ), a factor representing a ratio of the volume of carbon dioxide generated to the calorific value of the fuel combusted ( $F_c$ ), respectively. Values of  $F$  and  $F_c$  are given in § 60.45(f) of Part 60, Chapter 1, Title 40, Code of Federal Regulations.

$F_w$  = A factor representing a ratio of the volume of wet flue gases generated to the caloric value of the fuel combusted. Values of  $F_w$  are given in Reference Method 19 of the Arizona Testing Manual.

$B_{wa}$  = Proportion by volume of water vapor in the ambient air. Approval may be given for determination of  $B_{wa}$  by on-site instrumental measurement provided that the absolute accuracy of the measurement technique can be demonstrated to be within  $\pm 0.7$  percent water vapor. Estimation methods for  $B_{wa}$  are given in Reference Method 19 of the Arizona Testing Manual.

$B_{ws}$  = Proportion by volume of water vapor in the stack gas.

2. For sulfuric acid plants as defined in section 17.04.340, the owner or operator shall:

a. Establish a conversion factor three times daily according to the procedures of § 60.84(b) of Chapter 1, Title 40, Code of Federal Regulations;

b. Multiply the conversion factor by the average sulfur dioxide concentration in the flue gases to obtain average sulfur dioxide emissions in Kg/metric ton (lb/short ton); and

c. Report the average sulfur dioxide emission for each averaging period in excess of the applicable emission standard in the quarterly summary.

3. For nitric acid plants the owner or operator shall:

a. Establish a conversion factor according to the procedures of § 60.73(b) of Chapter 1, Title 40, Code of Federal Regulations;

b. Multiply the conversion factor by the average nitrogen oxides concentration in the flue gases to obtain the nitrogen oxides emissions in the units of the applicable standard;

c. Report the average nitrogen oxides emission for each averaging period in excess of applicable emission standard in the quarterly summary.

4. The control officer may allow data reporting or reduction procedures varying from those set forth in this Section if the owner or operator of a source shows to the satisfaction of the control officer that his procedures are at least as accurate as those in this Section. Such procedures may include but are not limited to the following:

a. Alternative procedures for computing emission averages that do not require integration of data (e.g., some facilities may demonstrate that the variability of their emissions is sufficiently small to allow accurate reduction of data based upon computing averages from equally spaced data points over the

averaging period).

b. Alternative methods of converting pollutant concentration measurements to the units of the emission standards. (Ord. 1994-83 § 6, 1994: Ord. 1993-128 § 3 (part), 1993)

#### 17.12.070 Quality assurance.

Facilities subject to permit requirements for sampling, testing, or analysis, or as otherwise required by the control officer, shall submit a quality assurance plan to the control officer that meets the requirements of 17.12.040 within twelve months of the effective date of this section. Facilities subject to the requirements of 17.12.060 shall submit a quality assurance plan as specified in the permit. (Ord. 1994-83 § 7, 1994: Ord. 1993-128 § 3 (part), 1993)

#### 17.12.110 Grant or denial of applications.

A. The control officer shall deny a permit or revision if the applicant does not show that every such source is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of this Title, Title 49, Chapter 3, Article 3, Arizona Revised Statutes, and the rules adopted by the director.

B. Prior to acting on an application for a permit, the control officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the source described in the application. In the event of such a requirement, the control officer shall notify the applicant in writing of the type and characteristics of such facilities.

C. In acting upon an application for a permit renewal, if the control officer finds that such source has been constructed not in accordance with any prior permit or revision issued pursuant to A.R.S. 49-480.01, he shall require the person to obtain a permit revision or deny the application for such permit. The control officer shall not accept any further application for a permit for such source so constructed until he finds that such source has been reconstructed in accordance with the prior permit or a revision, or a revision to the permit has been obtained.

D. After a decision on a permit or revision, the control officer shall notify the applicant and any person who filed a comment on the permit pursuant to A.R.S. 49-480 or the revision pursuant to A.R.S. 49-480.01 in writing of the decision, and if the permit is denied, the reasons for such denial. Service of this notification may be made in person or by first class mail. The control officer shall not accept a further application unless the applicant has corrected the reasons for the objections specified by the control officer as reasons for such denial.

E. The control officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance. (Ord. 1993-128 § 3, 1993; Ord. 1979-93 (part), 1979)

#### 17.12.140 Applicability; classes of permits.

A. Except as otherwise provided in this article, no person shall commence construction of, operate, or make a modification to any source subject to regulation under this Article, without first obtaining a permit or permit revision from the control officer and without complying with all conditions of the permit.

B. There shall be two classes of permits as follows:

1. A Class I permit shall be required for a person to commence construction of ~~or operate~~ any of the following:

a. Any major source.

b. Solid waste incineration units required to obtain a permit pursuant to section 129 (e) of the Act (Solid Waste Combustion).

~~c. An affected source.~~

~~d. Any source in a source category designated by the Administrator pursuant to 40 CFR 70.3 and adopted by the control officer.~~

2. Unless a Class I permit is required, a Class II permit shall be required for:

~~a. A person to commence construction of or modify either of the following:~~

~~(i) A source that emits with controls, or has the potential to emit with controls, ten (10) tons per year or more of any hazardous air pollutant listed under A.R.S. § 49-426.04 (A)(1) or chapter 17.16, article IX or twenty-five (25) tons per year of any combination of hazardous air pollutants.~~

~~(ii) A source that is within a category designated pursuant to A.R.S. 49-426.05 and that emits, or has the potential to emit, with controls one (1) ton per year or more of a hazardous air pollutant or two and one-half (2 1/2) tons per year of any combination of hazardous air pollutants.~~

b. A person to commence construction of ~~or operate~~ any of the following:

~~(i) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources).~~

~~(ii) Any source, including an area source, subject to a standard or other requirement under section 112 of the Act (Hazardous Air Pollutants), except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the Act (Hazardous Air Pollutants).~~

~~(iii) Any source that emits, without controls, regulated air pollutants not defined as de minimis in 17.04.340 or otherwise exempted herein.~~

c. A person to make a modification to a source which would cause it to emit, or have the potential to emit, quantities of regulated air pollutants greater than those specified in items i and ii of paragraph a and item iii of paragraph b of this subdivision.

C. Notwithstanding subsections A and B of this Section, the following sources shall not require a permit unless the source is a major source, or unless operation without a permit would result in a violation of the Act:

1. Sources subject to 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.

2. Sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR 61.145.

3. Agricultural equipment used in normal farm operations. "Agricultural equipment used in normal farm operations" does not include equipment that would be classified as a source that would require a permit under Title V of the Act (Permits), or would be subject to a standard under 40 CFR parts 60 or 61.

**17.12.150 Transition from installation and operating permit program to unitary permit program.**

A. An installation or operating permit issued by the control officer before the effective date of this title, and the authority to operate as provided in Laws 1992, Chapter 299, Section 65, continues in effect until either of the following occurs:

1. The installation or operating permit is terminated by the control officer;
2. The control officer issues or denies a Class I or Class II permit to the source.

~~B. Unless otherwise required by 17.12.160.G.3. of this Chapter, all sources holding valid installation or operating permits issued by the control officer and that are in existence on the date these rules become effective and requiring Class I permits or Class II permits which are subject to the requirements of Title V of the Act (Permits), shall submit permit applications within 180 days of receipt of written notice from the control officer that an application is required, but in no case may the application be submitted any later than 12 months after the Title V permits program is approved by the Administrator.~~

~~G. All sources that are in existence on the date these rules become effective holding valid installation or operating permits issued by the control officer and requiring Class II permits that are not subject to the requirements of Title V of the Act (Permits), shall submit permit applications to the control officer within 180 days of receipt of written notice from the control officer that an application is required.~~

~~D. Any source requiring a class I or class II operating permit in existence on the date these rules become effective that holds a valid installation or operating permits issued by the control officer, which has not yet applied for a Class I or II permit pursuant to this Title or which has not yet received a notice from the control officer stating that an application is required, that wishes to make any modification, administrative permit revision or minor permit revision shall be required to apply for the applicable Class I or Class II permit for the entire source within 180 days after applying for the proposed modification or revision. If the source has received a notice from the control officer stating that a Class I or II permit application is required, the source shall comply with the application due date for the entire facility as required by the notice. The control officer shall review the applications for both the modification or revision and the Class I or Class II permit in accordance with the provisions of this Title. In the case of a minor permit revision, the source may commence the proposed change immediately after filing the application pursuant to subsection F or section 17.12.250.~~

E. Any source in existence on the date these rules become effective holding valid installation or operating permits issued by the control officer, which have not yet applied for a Class I or Class II permit, that wishes to make a significant permit revision shall be required to apply for the applicable Class I or Class II permit for the entire source including the proposed modification. The control officer shall review the application in accordance with the provisions of this title.

~~F. For sources in existence on the date these rules become effective holding valid installation or operating permits issued by the control officer, the control officer may establish a phased schedule for acting on permit applications received within the first full year after the source becomes subject to obtaining Class I or II permits under this Title. The schedule shall assure that at least one-third of such applications will be acted on annually over a period not to exceed 3 years after such effective date. Based on this schedule the control officer shall approve or disapprove a completed application for a Class I or II permit consistent with the procedures established under this Chapter, and issue or deny the applicable permit within 18 months after the receipt of the application.~~

~~G. Sources in existence on the date these rules become effective not holding valid operating or installation permits, and have not applied for a Class I or II permit pursuant to this Title, shall submit applications for the applicable Class I or II permit to the control officer within the following time frames:~~

1. For sources requiring Class I or II permits subject to the provisions of Title V of the Act (Permits), within 180 days of receipt of written notice from the control officer that an application is required, but in no case any later than 12 months after the source becomes subject to obtaining Title V permits pursuant to this Title;

2. For sources requiring Class II permits not subject to the provisions of Title V of the Act (Permits), within 180 days of receipt of written notice from the control officer that an application is required.

3. For purposes of this subsection written notice shall include, but not be limited to, a written warning, notice of violation, or order issued by the control officer for constructing or operating an emission source without a permit. Such a source shall be considered to be in violation of this Title on each day of operation or each day during which construction continues, until a permit is granted.

H. Sources not in existence prior to the effective date of this Title shall first obtain the applicable Class I or II permit before commencing construction of the source.

~~I. Any application for an operating permit or an installation permit that is determined to be complete prior to the effective date of these rules but for which no permit has been issued shall be considered complete for the purposes of this Section. In issuing a permit pursuant to such an application, the control officer shall include in the permit all elements addressed in the application and a schedule of compliance for submitting an application for a permit revision to address the elements required to be in the permit that were not included in the operating permit or installation permit application. No later than 6 months after the effective date of these rules, the control officer shall take final action on an operating permit application or an installation permit application determined to be complete prior to the effective date of these rules.~~

J. Unless otherwise provided, 17.12.230 through 17.12.290 shall apply to sources with permits issued before the effective date of this section.

#### 17.12.160 Permit application processing procedures.

A. Unless otherwise noted, this Section applies to each source requiring a Class I or II permit or permit revision.

B. Standard Application Form and Required Information. To apply for any permit in this Chapter, applicants shall complete the "Standard Permit Application Form" and supply all information required by the "Filing Instructions" as shown in Title 18, Chapter 2, Appendix 1 of the A.A.C. The control officer, either upon the control officer's own initiative or on the request of a permit applicant, may waive a requirement that specific information or data be submitted in the application for a Class II, permit for a particular source if the control officer determines that the information or data would be unnecessary to determine the following:

1. The applicable requirements to which the source may be subject.

2. That the source is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of A.R.S. Title 49, Chapter 3, Article 3 and this title

~~3. The fees to which the source may be subject.~~

~~G. Unless otherwise required by 17.12.150.B. through F., a timely application is:~~

~~1. For a source, other than a major source, applying for a permit for the first time, one that is submitted within 12 months after the source becomes subject to the permit program.~~

~~2. For purposes of permit renewal, a timely application is one that is submitted at least 6 months, but not greater than 18 months prior to the date of permit expiration.~~

~~3. For initial phase II acid rain permits under Title IV of the Act, one that is submitted to the control officer by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.~~

~~4. Any existing source which becomes subject to a standard promulgated by the Administrator pursuant to section 112(d) of the Act (Hazardous Air Pollutants) shall, within twelve months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.~~

D. If an applicable implementation plan allows the determination of an alternate emission limit, a source may, in its application, propose an emission limit that is equivalent to the emission limit otherwise applicable to the source under the applicable implementation plan. The source shall also demonstrate that the equivalent limit is quantifiable, accountable, enforceable and subject to replicable compliance determination procedures.

E. A complete application is one that satisfies all of the following:

1. To be complete, an application shall provide all information required pursuant to subsection B. of this Section (standard application form section), except that applications for permit revision need supply such information only if it is related to the proposed change. ~~A responsible official shall certify the submitted information consistent with subsection H. of this section (section on certification of truth, accuracy, and completeness).~~

2. An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Chapter 17.16, Article VIII. If the applicant determines that the proposed new source is a major source as defined in section 17.04.340, or the proposed permit revision constitutes a major modification as defined in section 17.04.340, then the application shall comply with all applicable requirements of Chapter 17.16, Article VIII.

~~3. An application for a new permit or a permit revision shall contain an assessment of the applicability of the requirements established pursuant to A.R.S. 49-426.03 and 426.06. If the applicant determines that the proposed new source permit or permit revision is subject to the requirements of A.R.S. 49-426.03 or 49-426.06, the application shall comply with all applicable requirements promulgated under those sections.~~

4. Except for proposed new major sources or major modifications subject to the requirements of Chapter 17.16, Article VIII, an application for a new permit, a permit revision, or a permit renewal shall be deemed to be complete unless within 60 days of receipt of the application, the control officer notifies the applicant by certified mail that the application is not complete.

5. If, while processing an application that has been determined or deemed to be complete, the control officer determines that additional information is necessary to evaluate or take final action on that application, the control officer may request such information in writing, delivered by certified mail and set a reasonable deadline for a response. Except for minor permit revisions as set forth in 17.12.250, a source's ability to operate without a permit, as set forth in this Article, shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified

by the control officer. If the control officer notifies an applicant that the application is not complete under subdivision 3 of this subsection, the application may not be deemed automatically complete until an additional 60 days after the next submittal by the applicant. The control officer may, after one submittal by the applicant pursuant to this subdivision, reject an application that is determined to be still incomplete and shall notify the applicant of the decision by certified mail. After a rejection under this subdivision, the control officer may deny or revoke an existing permit, as applicable.

6. The completeness determination shall not apply to revisions processed through the minor permit revision process.

7. Activities which are insignificant shall be listed in the application. The application need not provide emissions data regarding insignificant activities. For purposes of this subdivision, insignificant activities shall include the following:

- a. landscaping;
- b. building maintenance;
- c. janitorial activities;
- d. manually operated equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of ceramic art work, precision parts, leather, metals, plastics, fiber board, masonry, carbon, glass or wood;
- e. use of consumer office products;
- f. any activity in an emission unit that has aggregated emissions less than 2.4 lbs. per operating day of total VOCs determined as an annual average or 5.5 lbs. per operating day of any other regulated air pollutant determined as an annual average; and
- g. any other activity which the Control Officer determines is not necessary, because of its emissions due to size or production rate, to be included in an application in order to determine all applicable requirements and to calculate any fee under this title.

If the control officer determines that an activity listed as insignificant is not insignificant, the control officer shall notify the applicant in writing and specify additional information required. No activity may be considered insignificant if the activity triggers any applicable requirement or if the emissions from the activity exceed 11 lbs per operating day of a regulated air pollutant or 2.4 lbs per operating day of HAPs.

8. If a permit applicant requests terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements, the permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable.

F. A source applying for a Title V permit that has submitted information with an application under a claim of confidentiality pursuant to A.R.S. § 49-432 and 17.12.170 shall submit a copy of such information directly to the Administrator.

G. Duty to Supplement or Correct Application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.



~~H. Certification of Truth, Accuracy, and Completeness. Any application form, report, or compliance certification submitted pursuant to this Title shall contain certification by a responsible official of truth accuracy, and completeness. This certification and any other certification required under this title shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.~~

I. Action on Application.

1. The control officer shall issue or deny each permit according to the provisions of A.R.S. 49-481. The control officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.

2. In addition, a permit may be issued, revised, or renewed only if all of the following conditions have been met:

a. The application received by the control officer for a permit, permit revision, or permit renewal shall be complete according to subsection E of this Section.

b. Except for revisions qualifying as administrative or minor under 17.12.240 and 17.12.250, all of the requirements for public notice and participation under 17.12.340 shall have been met.

c. For Title V permits, the control officer shall have complied with the requirements of 17.12.190 for notifying and responding to affected States, and if applicable, other notification requirements of 17.16.550.D.2. and 17.16.630.C.2.

d. For Class I and II permits, the conditions of the permit shall require compliance with all applicable requirements.

e. For permits for which an application is required to be submitted to the Administrator under 17.12.190.A and to which the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from PDEQ, the control officer has revised and submitted a proposed final permit in response to the objection and EPA has not objected to this proposed final permit.

f. For permits to which the Administrator has objected to issuance pursuant to a petition filed under 40 CFR 70.8(d), the Administrator's objection has been resolved.

3. The control officer may issue a notice of termination of a permit issued pursuant to this Chapter if:

a. The control officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.

b. The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.

c. The terms and conditions of the permit have been or are being violated.

4. If the control officer issues a notice of denial or termination of a permit under this Section, the notice shall be served on the applicant or permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the denial or revocation and a statement that the permit applicant or permittee is entitled to a hearing.

5. The control officer shall provide a statement that sets forth the

legal and factual basis for the proposed permit conditions including references to the applicable statutory or regulatory provisions. The control officer shall send this statement to the Administrator in the case of Title V permits, and to any other person who requests it.

6. Except as provided in 40 CFR 70.4(b)(11), 17.12.150 and 17.16.550, regulations promulgated under Title IV or V of the Act (Acid Deposition Control or Permits), or the permitting of affected sources under the acid rain program, the control officer shall take final action on each permit application (and request for revision or renewal) as follows:

a. For sources permitted only for petroleum liquid storage vessels that do not exceed a 40,000 gallon capacity, within six months after receiving a complete application;

b. For sources permitted only for natural gas burning equipment, within six months after receiving a complete application;

c. For sources permitted only for asphalt kettles, within six months after receiving a complete application;

d. For sources permitted only for surface coating operations where solvent usage is less than 5 gallons per average operating day, within six months after receiving a complete application;

e. For sources other than those listed above that use only one type of equipment listed in Table 17.12.550B, within nine months after receiving a complete application;

f. For all other sources, within 18 months after receiving a complete application.

7. Priority shall be given by the control officer to taking action on applications for construction or modification submitted pursuant to Title I, Parts C and D of the Act (Prevention of Significant Deterioration and Nonattainment Areas).

8. A proposed permit decision shall be published within 9 months of receipt of a complete application and any additional information requested pursuant to subdivision (E)(5) of this Section to process the application. The control officer shall provide notice of the decision as provided in 17.12.340 and any public hearing shall be scheduled as expeditiously as possible.

~~3. Requirement for a Permit. Except as noted under the provisions in 17.12.230 and 17.12.250, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a properly issued permit. However, if a source submits a timely and complete application for permit issuance, revision or renewal, the source's failure to have a permit is not a violation of this Article until the control officer takes final action on the application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the control officer, any additional information identified as being needed to process the application.~~

#### 17.12.170 Public records; confidentiality.

A. The control officer shall make all permits, including all elements required to be in the permit pursuant to 17.12.180, available to the public. No permit shall be issued unless the information required by 17.12.180 is present in the permit.

B. Any records, reports or information obtained from any person under this title, including records, reports or information obtained or prepared by the control officer or a county employee, shall be available to the public, except that the information or any part of the information shall be considered

confidential on either of the following:

1. A showing, satisfactory to the control officer, by any person that the information or a part of the information if made public would divulge the trade secrets of the person.

2. A determination by the county attorney that disclosure of the information or a particular part of the information would be detrimental to an ongoing criminal investigation or to an ongoing or contemplated civil enforcement action under this chapter in superior court.

C. Notwithstanding subsection B of this section, the following information shall be available to the public:

1. The name and address of any permit applicant or permittee.
2. The chemical constituents, concentrations and amounts of any emission of any air contaminant.
3. The existence or level of a concentration of an air pollutant in the environment. (Ord. 1994-83 § 14, 1994: Ord. 1993-128 § 3 (part), 1993)

#### 17.12.180 Permit contents.

A. Each permit issued shall include the following elements:

1. The date of issuance and the permit term.
2. Enforceable emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of issuance.

- a. The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

- b. The permit shall state that, where an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.

- c. Any permit containing an equivalency demonstration for an alternative emission limit submitted pursuant to 17.12.160.D shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

- d. The permit shall specify applicable requirements for fugitive emission limitations, regardless of whether the source category in question is included in the list of sources contained in the definition of major source in section 17.04.340.

3. Each permit shall contain the following requirements with respect to monitoring:

- a. All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to sections 114(a)(3) or 504(b) of the Act (Inspections, Monitoring and Entry or Permit Requirements and Conditions);

- b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit as reported pursuant to subdivision A.4

of this section. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and

c. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

4. With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:

a. Records of required monitoring information that include the following:

- (i) The date, place as defined in the permit, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The name of the company or entity that performed the analyses;
- (iv) A description of the analytical techniques or methods used;
- (v) The results of such analyses;
- (vi) The operating conditions as existing at the time of sampling or measurement; and
- (vii) Chain of custody.

b. Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

5. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

a. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. ~~All required reports shall be certified by a responsible official consistent with 17.12.160.H and 17.12.210.A.5.~~

b. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Notice in accordance with paragraph (E)(3)(d) of this section shall be considered prompt for purposes of this paragraph.

~~6. A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act (Acid Deposition Control) or the regulations promulgated thereunder.~~

~~a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.~~

~~b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to non-compliance with any other applicable requirement.~~

~~c. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Act (Acid Deposition Control).~~

~~d. Any permit issued pursuant to the requirements of this Chapter~~

~~and Title V of the Act (Permits) to a unit subject to the provisions of Title IV of the Act (Acid Deposition Control) shall include conditions prohibiting all of the following:~~

- ~~(i) Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide held by the owners or operators of the unit or the designated representative of the owners or operators.~~
- ~~(ii) Exceedances of applicable emission rates.~~
- ~~(iii) The use of any allowance prior to the year for which it was allocated.~~
- ~~(iv) Contravention of any other provision of the permit.~~

7. A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.

8. Provisions stating the following:

a. The permittee shall comply with all conditions of the permit. The permit shall contain all applicable requirements of federal and Arizona air quality statutes, and federal, state and Pima County air quality rules. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

~~b. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.~~

c. The permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

d. The permit does not convey any property rights of any sort, or any exclusive privilege.

e. The permittee shall furnish to the control officer, within a reasonable time, any information that the control officer may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the control officer copies of records required to be kept by the permit. For information claimed to be confidential, the permittee shall furnish a copy of such records directly to the Administrator along with a claim of confidentiality.

f. For any major source operating in a non-attainment area for any pollutant(s) for which the source is classified as a major source, the source shall comply with reasonably available control technology.

~~9. A provision to ensure that the source pays fees to the control officer pursuant to A.R.S. 49-426.E and Article VI of this chapter.~~

10. A provision stating that no permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit. This provision shall not apply to emissions trading between sources as provided in the applicable implementation plan.

11. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the control officer. Such terms and conditions:

a. Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;

b. Shall extend the permit shield described in 17.12.310 to all terms and conditions under each such operating scenario; and

c. Shall ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this title.

12. Terms and conditions, if the permit applicant requests them, as approved by the control officer, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

a. Shall include all terms required under subsections A and C of this section to determine compliance;

b. May extend the permit shield described in subsection D of this section to all terms and conditions that allow such increases and decreases in emissions;

c. Shall not include trading involving emission units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emission trades; and

d. Shall meet all applicable requirements and requirements of this title.

13. Terms and conditions, if the permit applicant requests them and they are approved by the control officer, setting forth intermittent operating scenarios including potential periods of downtime. If such terms and conditions are included, the state's emissions inventory shall not reflect the zero emissions associated with the periods of downtime.

14. If a permit applicant requests it, the control officer shall issue permits that contain terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The control officer shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. The terms and conditions shall provide for notice that conforms to 17.12.230 (D) and (E) and that describes how the increases and decreases in emissions will comply with the terms and conditions of the permit.

15. Such other terms and conditions as are required by the Act, A.R.S. Title 49, Chapter 3, Articles 1, 2 and 3 and the rules adopted pursuant thereto.

#### B. Federally-enforceable Requirements

1. All terms and conditions in a Title V permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Act.

2. Notwithstanding subsection B.1 of this section, the control officer shall specifically designate as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or under any of its applicable requirements.

C. All permits shall contain a compliance plan that meets the requirements of 17.12.210.

D. Each permit shall include the applicable permit shield provisions set forth

in 17.12.310.

E. Emergency provision for excess emissions

1. For all permits that specify emission limitations, emissions in excess of the limitation contained in the terms of the permit shall constitute a violation.

2. An emergency constitutes an affirmative defense to an action brought for noncompliance of the emission limitations if the conditions of subdivision 3 of this subsection are met.

3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

b. The permitted facility was at the time being properly operated;

c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and

d. The permittee submitted notice of the emergency to the control officer by certified mail or hand delivery within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.

4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

~~F. A class I permit issued to a major source shall require that reopenings be made pursuant to 17.12.270 to incorporate additional applicable requirements adopted by the Administrator pursuant to the Act that become applicable to a source with a permit with a remaining permit term of three or more years. No reopening shall be required if the effective date of the applicable requirement is after the expiration of the permit. The reopenings shall be made as expeditiously as practicable, but not later than eighteen months after the promulgation of such standards and regulations. Any permit reopening required pursuant to this section shall comply with provisions in 17.12.280 for permit renewal and shall reset the five year permit term.~~

17.12.190 Permit Review by EPA and affected states. -- not submitted.

17.12.200 Emission standards and limitations.

Wherever applicable requirements apply different standards or limitations to a source for the same item, all applicable requirements shall be included in the permit. (Ord. 1993-128 § 3, 1993)

17.12.210 Compliance plan; ~~certification.~~

A. All permits shall contain the following elements with respect to compliance:

1. The following monitoring requirements sufficient to assure compliance with the terms and conditions of the permit:

a. All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and

methods required under the applicable requirements, including any procedures and methods promulgated pursuant to sections 114 (a)(3) or 504 (b) of the Act (Inspections, Monitoring and Entry or Permit Requirements and Conditions);

b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to subdivision 2 of this subsection. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and

c. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

2. All applicable recordkeeping requirements including requiring, where applicable, the following:

a. Records of required monitoring information that include the following:

- (i) The date, place as defined in the permit, and time of sampling or measurements, and name of person conducting sampling;
- (ii) The date(s) analyses were performed;
- (iii) The name of the company or entity that performed the analyses;
- (iv) A description of the analytical techniques or methods used;
- (v) The results of such analyses;
- (vi) The operating conditions as existing at the time of sampling or measurement; and
- (vii) Chain of custody.

b. Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings or physical records for continuous monitoring instrumentation, and copies of all reports required by the permit.

3. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

a. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. ~~All required reports shall be certified by a responsible official consistent with subdivision 5 of this subsection.~~

b. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Notice in accordance with 17.12.180 (E)(3)(d) shall be considered prompt for purposes of this paragraph.

~~4. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:~~

~~a. The frequency for submissions of compliance certifications, which shall not be less than annually;~~

~~b. The means to monitor the compliance of the source with its emissions limitations, standards, and work practices;~~



~~e. A requirement that the compliance certification include the following:~~

~~(i) The identification of each term or condition of the permit that is the basis of the certification;~~  
~~(ii) The compliance status;~~  
~~(iii) Whether compliance was continuous or intermittent;~~  
~~(iv) The method(s) used for determining the compliance status of the source, currently and over the reporting period; and~~  
~~(v) Other facts as the control officer may require to determine the compliance status of the source.~~

~~d. A requirement that all compliance certifications be submitted to the control officer, and for Title V permits, to the Administrator as well.~~

~~e. Such additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the Act (Inspections, Monitoring and Entry or Permit Requirements and Conditions).~~

~~5. A requirement for any document required to be submitted by a permit, including reports, to contain a certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this Chapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.~~

6. Inspection and entry provisions which require that upon presentation of proper credentials, the permittee shall allow the control officer to:

a. Enter upon the permittee's premises where a source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of the permit;

b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;

c. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

d. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements; and

e. Record any inspection by use of written, electronic, magnetic and photographic media.

7. A compliance plan that contains all the following:

a. A description of the compliance status of the source with respect to all applicable requirements.

b. A description as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.

(iii) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.

c. A compliance schedule as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.

(iii) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirement for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

d. A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation. Certified progress reports shall contain:

(i) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.

e. The compliance plan content requirements specified in this subdivision shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act (Acid Deposition Control) with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

8. If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required.

~~B. The control officer may develop special guidance documents and forms to assist certain sources applying for Class II permits in completing the compliance plan.~~

#### 17.12.230 Facility changes allowed without permit revisions.

A. A facility with a permit may make changes that contravene an express permit term without a permit revision if all of the following apply:

1. The changes are not modifications under any provision of Title I of the Act (Air Pollution Prevention and Control) or under A.R.S. 49-401.01(17).

2. The changes do not exceed the emissions allowable under the permit whether expressed therein as a rate of emissions or in terms of total emissions.

3. The changes do not violate any applicable requirements or trigger any additional applicable requirements.

4. The changes satisfy all requirements for a minor permit revision under 17.12.250.

5. The changes do not contravene federally enforceable permit terms and

conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements.

B. The substitution of an item of process or pollution control equipment for an identical or substantially similar item of process or pollution control equipment shall qualify as a change that does not require a permit revision, if it meets all of the requirements of subsections A, D and E of this Section.

C. Except for sources with authority to operate under general permits, permitted sources may trade increases and decreases in emissions within the permitted facility, as established in the permit pursuant to 17.12.180(A)(12), where an applicable implementation plan provides for such emissions trades, without applying for a permit revision and based on the seven working days notice prescribed in subsection D of this section. This provision is available in those cases where the permit does not already provide for such emissions trading as a minor permit revision.

D. For each change under subsections A through C of this section, a written notice, by certified mail or hand delivery, shall be received by the control officer and, for Title V permits, the Administrator a minimum of seven (7) working days in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided less than 7 working days in advance of the change but must be provided as far in advance of the change, or if advance notification is not practicable as soon after the change as possible.

E. Each notification shall include:

1. When the proposed change will occur.
2. A description of each such change.
3. Any change in emissions.
4. The pollutants emitted subject to the emissions trade, if any.
5. The provisions in the implementation plan that provide for the emissions trade with which the source will comply and any other information as may be required by the provisions in the implementation plan authorizing the trade.
6. If the emissions trading provisions of the implementation plan are invoked, then the permit requirements with which the source will comply.
7. Any permit term or condition that is no longer applicable as a result of the change.

F. The permit shield described in 17.12.310 shall not apply to any change made pursuant to subsections A through C of this section. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the implementation plan authorizing the emissions trade.

G. Except as otherwise provided for in the permit, making a change from one alternative operating scenario to another as provided under 17.12.180.A.11 shall not require any prior notice under this Section.

H. Notwithstanding any other part of this Section, the control officer may require a permit to be revised for any change that when considered together with any other changes submitted by the same source under this section over the term of the permit, do not satisfy subsection A of this section.

I. The control officer shall make available to the public monthly summaries of all notices received under this section. (Ord. 1994-83 § 19, 1994: Ord. 1993-128 § 3 (part), 1993)

#### 17.12.240 Administrative permit amendments.

A. Except for provisions pursuant to Title IV of the Act (Acid Deposition Control), an administrative permit amendment is a permit revision that does any of the following:

1. Corrects typographical errors;
2. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
3. Requires more frequent monitoring or reporting by the permittee;
4. Allows for a change in ownership or operational control of a source as approved under 17.12.290 where the control officer determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility coverage, and liability between the current and new permittee has been submitted to the control officer;
5. Incorporates any other type of change which, for non-Title V permits, the control officer, or for Title V permits, the Administrator, has determined to be similar to those of this Section.

B. Administrative permit amendments to Title IV provisions of the permit shall be governed by regulations promulgated by the Administrator under Title IV of the Act (Acid Deposition Control).

C. The control officer shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and for Class I permits may incorporate such changes without providing notice to the public or affected States provided that it designates any such permit revisions as having been made pursuant to this Section.

D. The control officer shall submit a copy of Title V permits revised under this Section to the Administrator.

E. Except for administrative permit amendments involving a transfer under 17.12.290, the source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request. (Ord. 1994-83 § 20, 1994: Ord. 1993-128 § 3 (part), 1993)

#### 17.12.250 Minor permit revisions.

A. Minor permit revision procedures may be used only for those permit revisions that satisfy all of the following:

1. Do not violate any applicable requirement;
2. Do not involve substantive changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source specific determination of ambient impacts, or a visibility or increment analysis;
4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed in order to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

a. A federally enforceable emissions cap which the source would assume to avoid classification as a modification under any provision of Title I of the Act (Air Pollution Prevention and Control);

~~b. An alternative emissions limit approved pursuant to regulations promulgated under the section 112(i)(5) of the Act (Hazardous Air Pollutants).~~

5. Are not modifications under any provision of Title I of the Act (Air Pollution Prevention and Control), ~~or regulations promulgated pursuant to A.R.C. § 49-426.06.~~

6. Are not changes in fuels not represented in the permit application or provided for in the permit.

7. The increase in the source's potential to emit any regulated air pollutant is not significant as defined in section 17.04.340.

8. Are not required to be processed as a significant revision under 17.12.260.

B. As approved by the control officer, minor permit revision procedures may be used for permit revisions involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit revision procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by the Administrator.

C. An application for minor permit revision shall be on the standard application form contained in Title 18, Chapter 2, Appendix 1 of the A.A.C. and include the following:

1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

2. For Title V sources, the source's suggested proposed permit;

~~3. Certification by a responsible official, consistent with standard permit application requirements, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used;~~

~~D. EPA and affected State notification. For Title V permits, within 5 working days of receipt of an application for a minor permit revision, the control officer shall notify the Administrator and affected states of the requested permit revision in accordance with 17.12.190.~~

E. The control officer shall follow the following timetable for action on an application for a minor permit revision:

1. For Title V permits, the control officer shall not issue a final permit revision until after the Administrator's 45-day review period or until the Administrator has notified the control officer that the Administrator will not object to issuance of the permit revision, whichever is first, although the control officer may approve the permit revision prior to that time. Within 90 days of the control officer's receipt of an application under minor permit revision procedures, or 15 days after the end of the Administrator's 45-day review period, whichever is later, the control officer shall do one or more of the following:

a. Issue the permit revision as proposed.

b. Deny the permit revision application.

c. Determine that the proposed permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures in 17.12.260.

d. Revise the proposed permit revision and transmit to the Administrator the new proposed permit revision as required in 17.12.190.

~~2. Within 90 days of the control officer's receipt of an application for a revision of a non-Title V permit under this Section, the control officer shall do one or more of the following:~~

~~a. Issue the permit revision as proposed.~~

~~b. Deny the permit revision application.~~

~~e. Determine that the permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures pursuant to 17.12.260.~~

~~d. Revise and issue the proposed permit revision.~~

F. Source's ability to make change. The source may make the change proposed in its minor permit revision application immediately after it files the application. After the source makes the change allowed by the preceding sentence, and until the control officer takes any of the actions specified in subsection E of this Section, the source shall comply with both the applicable requirements governing the change and the proposed revised permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to revise may be enforced against it.

G. The permit shield under 17.12.310 shall not extend to minor permit revisions.

H. Notwithstanding any other part of this section, the control officer may require a permit to be revised under 17.12.260 for any change that, when considered together with any other changes submitted by the same source under this section or 17.12.230 over the life of the permit, do not satisfy subsection A of this section.

I. The control officer shall make available to the public monthly summaries of all applications for minor revisions.

#### 17.12.260 Significant permit revisions.

A. Significant revision procedures shall be used for applicants requesting permit revisions that do not qualify as minor revisions or as administrative amendments. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or record keeping permit terms or conditions shall follow significant revision procedures.

~~B. All modifications to major sources of federally listed hazardous air pollutants shall follow significant revision procedures and any rules adopted pursuant to A.R.S. 49-426.03 and 49-480.03. A physical change to a source or change in the method of operation of a source that complies with Section 112(g)(1) of the Act (Hazardous Air Pollutants) shall be a modification required to be processed under this Section but not for the purposes of requiring maximum achievable control technology.~~

~~C. All modifications to sources subject to rules promulgated pursuant to A.R.S. 49-426.06 and 49-480.04 shall follow the revision procedures provided in those rules.~~

D. Significant permit revisions shall meet all requirements of this Article for applications, public participation, ~~review by affected States,~~ and review by the Administrator as they apply to permit issuance ~~and renewal.~~

~~E. The control officer shall process the majority of significant permit revision applications within 9 months of receipt of a complete permit application but in no case longer than 18 months.~~

#### 17.12.270 Permit reopenings; revocation and reissuance; termination.

A. Reopening for Cause

1. Each issued permit shall include provisions specifying the conditions under which the permit shall be reopened prior to the expiration of the permit.

A permit shall be reopened and revised under any of the following circumstances:

~~a. Additional applicable requirements under the Act become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 17.12.280.B. Any permit reopening required pursuant to this paragraph shall comply with provisions in 17.12.280 for permit renewal and shall reset the five year permit term.~~

~~b. Additional requirements, including excess emissions requirements, become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Class I permit.~~

c. The control officer ~~or the Administrator~~ determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

d. The control officer ~~or the Administrator~~ determines that the permit needs to be revised or revoked to assure compliance with the applicable requirements.

2. Proceedings to reopen and issue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

3. Reopenings under subdivision A.1. of this Section shall not be initiated before a notice of such intent is provided to the source by the control officer at least 30 days in advance of the date that the permit is to be reopened, except that the control officer may provide a shorter time period in the case of an emergency.

4. When a permit is reopened and revised pursuant to this section, the control officer may make appropriate revisions to the permit shield established pursuant to 17.12.310.

B. Within 10 days of receipt of notice from the Administrator that cause exists to reopen a Title V permit, the control officer shall notify the source. The source shall have 30 days to respond to the control officer. Within 90 days of receipt of notice from the Administrator that cause exists to reopen a permit, or within any extension to the 90 days granted by EPA, the control officer shall forward to the Administrator and the source a proposed determination of termination, revision, revocation or reissuance of the permit. Within 90 days of receipt of an EPA objection to the control officer's proposal, the control officer shall resolve the objection and act on the permit.

C. The control officer may issue a notice of termination of a permit issued pursuant to this title if:

1. The control officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.

2. The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.

3. The terms and conditions of the permit have been or are being violated.

If the control officer issues a notice of termination under this section, the

notice shall be served on the permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the revocation and a statement that the permittee is entitled to a hearing. A notice of termination issued by the control officer shall become effective immediately upon the expiration of the time during which a request for a hearing may be made pursuant to A.R.S. 49-511 unless the person or persons named in such notice shall have made a timely request for a hearing before the hearing board.

17.12.280 Permit Renewal and Expiration -- not submitted.

17.12.290 Permit transfers.

A. Except as provided in A.R.S. §49-483 and subsection B of this section, a Class I or II permit may be transferred to another person if:

1. the person who holds the permit gives notice of the following to the control officer in writing at least thirty days before the proposed transfer:

- a. The permit number and expiration date.
- b. The name, address and telephone number of the current permit holder.
- c. The name, address and telephone number of the organization to receive the permit.

2. the new owner gives notice of the following to the control officer in writing at least thirty days before the proposed transfer:

a. The name and title of the individual within the organization who is accepting responsibility for the permit along with a signed statement by that person indicating such acceptance.

b. A description of the equipment to be transferred.

c. A written agreement containing a specific date for transfer or permit responsibility, coverage, and liability between the current and new permittee.

d. Provisions for the payment of any fees pursuant to Chapter 17.12, Article VI that will be due and payable before the effective date of transfer.

e. Sufficient information about the source's technical and financial capabilities of operating the source to allow the control officer to make the decision in subsection B of this section including:

(i) The qualifications of each person principally responsible for the operation of the source.

(ii) A statement by the chief financial officer of the new permittee that it is financially capable of operating the facility in compliance with the law, and the information that provides the basis for that statement.

(iii) A brief description of any action for the enforcement of any federal or state law, rule or regulation, or any county, city or local government ordinance relating to the protection of the environment, instituted against any person employed by the new permittee and principally responsible for operating the facility during the five years preceding the date of application. In lieu of this description, the new permittee may submit a copy of the certificate of disclosure or 10-k form required under A.R.S. §49-109, or a statement that this information has been filed in compliance with A.R.S. §49-109.

B. The control officer shall deny the transfer if the control officer



B. The control officer shall deny the transfer if the control officer determines that the organization receiving the permit is not capable of operating the source in compliance with Article 3, Chapter 3, Title 49, Arizona Revised Statutes, the provisions of this title or the provisions of the permit. Notice of the denial shall be sent to the original permit holder by certified mail stating the reason for the denial within ten working days of the control officer's receipt of the application. If the transfer is not denied within ten working days after receipt of the notice, it shall be deemed approved.

C. To appeal the transfer denial:

1. Both the transferor and transferee shall petition the hearing board in writing for a public hearing; and

2. The appeal process for a permit shall be followed.

D. The control officer shall make available to the public monthly summaries of all notices received under this section. (Ord. 1994-83 § 24, 1994: Ord. 1993-128 § 3 (part), 1993)

#### 17.12.300 Portable sources.

A. A portable source that will operate for the duration of its permit solely in one county that has established a local air pollution control program pursuant to A.R.S. 49-479 shall obtain a permit from that county. A portable source with a county permit, shall not operate in any other county.

B. Permits for portable sources shall include the following:

1. Conditions that will assure compliance with all applicable requirements at all authorized locations; and

2. Conditions that assure compliance with all other provisions of this title.

C. A portable source which has a county permit but proposes to operate outside the county shall obtain a permit from the Director. Upon issuance of a permit by the Director, the county shall terminate the county permit for that source. Before commencing operation in the new county, the source shall notify the Director and the control officer who has jurisdiction over the geographic area that includes the new location according to subsection E of this Section.

D. An owner of portable source equipment which requires a permit under this title shall obtain the permit prior to renting or leasing said equipment. This permit shall be provided by the owner to the renter or lessee and the renter or lessee shall be bound by the permit provisions. In the event a copy of the permit is not provided to the renter or lessee, both the owner and the lessee or renter shall be responsible for the operation of this equipment in compliance with the permit conditions and any violations thereof.

E. A portable source may be transferred from one location to another provided that the owner or operator of such equipment provide notification according to the conditions specified in the permit. In no case will more than ten days notice be required. (Ord. 1994-83 § 25, 1994: Ord. 1993-128 § 3 (part), 1993)

#### 17.12.310 Permit shields.

A. Each Class I or II permit issued under this chapter shall specifically identify all federal, state, and local air pollution control requirements that apply to the source at the time the permit is issued. The permit shall state that compliance with the conditions of the permit shall be deemed compliance with any applicable requirement identified in the permit as of the date of permit issuance, provided that such applicable requirements are included and expressly identified in the permit. The control officer may include in a permit

determination that other requirements specifically identified are not applicable. Any permit under this Chapter that does not expressly state that a permit shield exists shall not provide such a shield.

B. Nothing in this Section or in any permit shall alter or affect the following:

1. The provisions of section 303 of the Act (emergency orders), including the authority of the Administrator under that section.

2. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.

3. The applicable requirements of the acid rain program, consistent with section 408(a) of the Act (Permits and Compliance Plans).

4. The ability of the Administrator or the control officer to obtain information from a source pursuant to section 114 of the Act (Inspections, Monitoring and Entry), or any provision of state law.

5. The authority of the control officer to require compliance with new applicable requirements adopted after the permit is issued.

C. In addition to the provisions of 17.12.270, a permit may be reopened by the control officer and the permit shield revised when it is determined that standards or conditions in the permit are based on incorrect information provided by the applicant. (Ord. 1994-83 § 26, 1994: Ord. 1993-128 § 3 (part), 1993)

#### 17.12.320 Annual emissions inventory questionnaire.

A. Every source subject to a Title V permit requirement shall complete and submit to the control officer an annual emissions inventory questionnaire. The questionnaire is due by March 31, or 90 days after the control officer makes the inventory form available, whichever occurs later, and shall include emission information for the previous calendar year. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed. Sources subject to non-Title V permit requirements may also be required by the control officer to submit emissions inventory information.

B. The questionnaire shall be on a form provided by or approved by the control officer and shall include the following information:

1. The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.

2. Process information for the source, including design capacity, operations schedule, and emissions control devices, their description and efficiencies.

3. The actual quantity of emissions from permitted emission points and fugitive emissions as provided in the permit, including documentation of the method of measurement, calculation or estimation determined pursuant to subsection C of this section of the following regulated air pollutants:

- a. Any single regulated air pollutant in a quantity greater than one ton or the amount listed for the pollutant in the definition of "significant" in section 17.04.340, whichever is less.

- b. Any combination of regulated air pollutants in a quantity greater than 2.5 tons.

C. Actual quantities of emissions shall be determined using the following emission facts or data:

1. Whenever available, emissions estimates shall either be calculated from continuous emissions monitors certified pursuant to 40 CFR Part 75, Subpart C and referenced as appendices, as published in the Federal Register on January 11, 1993 (and no later editions) which is incorporated herein by reference, and is on file with the Department and the Office of Secretary of State, or data quality assured pursuant to Appendix F of 40 CFR Part 60.

2. When sufficient data pursuant to subdivision 1 of this subsection is not available, emissions estimates shall be calculated from data from source performance tests conducted pursuant to 17.12.050 in the calendar year being reported or, when not available, conducted in the most recent calendar year representing the operating conditions of the year being reported.

3. When sufficient data pursuant to subdivisions 1 and 2 of this subsection is not available, emissions estimates shall be calculated using emissions factors from EPA Publication No. AP-42 "Compilation of Air Pollutant Emission Factors", Volume I: Stationary Point and Area Sources, Fourth Edition, supplements A through F, 1985, U.S. Environmental Protection Agency, Research Triangle Park, NC (GPO Order No. 055-000-00251-7), (and no future editions) which is incorporated herein by reference and is on file with the Department and the Office of Secretary of State. AP-42 can be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

4. When sufficient data pursuant to subdivisions 1 through 3 of this subsection is not available, emissions estimates shall be calculated from material balance using engineering knowledge of process.

5. When sufficient data pursuant to subdivisions 1 through 4 of this subsection is not available, emissions estimates shall be calculated by equivalent methods approved by the control officer. The control officer shall only approve methods that are demonstrated as accurate and reliable as the applicable method in subdivisions 1 through 4 of this subsection.

D. Actual quantities of emissions calculated under subsection C of this section shall be determined on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored or combusted.

E. An amendment to an annual emission inventory questionnaire, containing the documentation required by subdivision (B)(3) of this section, shall be submitted to the control officer by any source whenever it discovers or receives notice, within two years of the original submittal, that incorrect or insufficient information was submitted to the control officer by a previous questionnaire. If the incorrect or insufficient information resulted in an incorrect annual emissions fee, the control officer shall require that additional payment be made or shall apply an amount as a credit to a future annual emissions fee. The submittal of an amendment under this subsection shall not subject the owner or operator to an enforcement action or a civil or criminal penalty if the original submittal of incorrect or insufficient information was due to reasonable cause and not willful neglect.

F. The control officer may require submittal of supplemental emissions inventory questionnaires for air contaminants pursuant to A.R.S. 49-476.01. (Ord. 1994-83 § 27, 1994: Ord. 1993-128 § 3 (part), 1993)

**17.12.330 Permits containing the terms and conditions of federal delayed compliance orders (DCO) or consent decrees.**

A. The terms and conditions of either a DCO or consent decree shall be incorporated into a permit through a permit revision. In the event the permit expires prior to the expiration of the DCO or consent decree, the DCO or consent decree shall be incorporated into any permit renewal.

B. The owner or operator of a source subject to a DCO or consent decree shall submit to the control officer a quarterly report of the status of the source and

construction progress and copies of any reports to the Administrator required under the order or decree. The control officer may require additional reporting requirements and conditions in permits issued under this Article.

C. For the purpose of this Chapter, sources subject to a consent decree issued by a federal court shall meet the same requirements as those subject to a DCO. (Ord. 1993-128 § 3, 1993)

#### 17.12.340 Public participation.

A. The control officer shall provide public notice, an opportunity for public comment, and an opportunity for a hearing before taking the following actions:

1. A permit issuance ~~or renewal of a permit.~~
2. A significant permit revision.
3. Revocation and reissuance or reopening of a permit.
4. ~~Any conditional orders pursuant to 17.28.100.~~

B. The control officer shall provide public notice of receipt of complete applications for permits to construct or make a major modification to major sources by publishing a notice in a newspaper of general circulation in the county where the source will be located.

C. The control officer shall provide notice required pursuant to subsection A of this section, or any other section of this title, as follows:

1. The control officer shall publish the notice once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located.

2. The control officer shall mail a copy of the notice to persons on a mailing list developed by the control officer consisting of those persons who have requested in writing to be placed on such a mailing list.

D. The notice required by subsection (C) shall include the following:

1. Identification of the affected facility.
2. Name and address of the permittee or applicant.
3. Name and address of the permitting authority processing the permit action.
4. The activity or activities involved in the permit action.
5. The emissions change involved in any permit revisions.
6. The air contaminants to be emitted.
7. If applicable, that a notice of confidentiality has been filed under 17.12.170.

~~8. If applicable, that the source has submitted a risk management analysis pursuant to A.R.S. §49-426.06.~~

9. A statement that any person may submit written comments, or a written request for a public hearing, or both, on the proposed permit action, along with the deadline for such requests or comments.

10. The name, address, and telephone number of a person from PDEQ from whom additional information may be obtained.

the proposed permit, and all other materials available to the control officer that are relevant to the permit decision may be reviewed, including the PDEQ office, and the times at which they shall be available for public inspection.

~~E. The control officer shall hold a public hearing to receive comments on petitions for conditional orders which would vary from requirements of the applicable implementation plan. For all other actions involving a proposed permit, the control officer shall hold a public hearing only upon written request pursuant to the provisions of A.R.S. 49-426. If a public hearing is requested, the control officer shall schedule the hearing and publish notice as described in A.R.S. 49-444 and subsection D of this section. The control officer shall give notice of any public hearing at least 30 days in advance of the hearing.~~

~~F. At the time the control officer publishes the first notice according to subdivision (C)(1) of this section, the applicant shall post a notice containing the information required in subsection D of this section at the site where the source is or may be located. Consistent with federal, state, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. If a public hearing is to be held, the applicant shall place an additional posting providing notice of the hearing. Any posting shall be maintained until the public comment period is closed.~~

G. The control officer shall provide at least 30 days from the date of its first notice for public comment. The control officer shall keep a record of the commenters and of the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final decision is made, the record and copies of the control officer's responses shall be made available to the applicant and all commenters.

17.12.350 Material permit condition. -- not submitted.

#### 17.12.360 Stack height limitation.

A. The limitations set forth herein shall not apply to stacks or dispersion techniques used by the owner or operator prior to December 31, 1970, for which the owner or operator had:

1. Begun, or caused to begin, a continuous program of physical on-site construction of the stack;

2. Entered into building agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time; or

3. Coal fired steam electric generating units, subject to the provisions of Section 118 of the Act (Control of Pollution from Federal Facilities) which commenced operation before July 1, 1975, with stacks constructed under a construction contract awarded before February 8, 1974.

B. GEP stack height is calculated as the greater of the following four numbers in subdivisions 1 through 4:

1. 213.25 feet (65 meters).

2. For stacks in existence on January 12, 1979 and for which the owner or operator had obtained all applicable preconstruction permits or approvals required under 40 CFR Parts 51 and 52 and 17.16.560,  $H_g = 2.5H$ .

3. For all other stacks,  $H_g = H + 1.5L$ , where  
 $H_g$  = good engineering practice stack height, measured from the ground-level elevation at the base of the stack;  
 $H$  = height of nearby structure measured from the ground-level

H = height of nearby structure measured from the ground-level elevation at the base of the stack;

L = lesser dimension (height or projected width) of nearby structure; provided that the EPA, state, or local control agency may require the use of a field study or fluid model to verify GEP stack height for the source; or

4. The height demonstrated by a fluid model or a field study approved by the reviewing agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain obstacles.

5. For a specific structure or terrain feature, "nearby" shall be:

a. For purposes of applying the formulae in subdivisions 2 and 3 of this subsection, that distance up to five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km (one half mile).

b. For conducting demonstrations under subdivision 4 of this subsection, means not greater than 0.8 km (one half mile). An exception is that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten times the maximum height (H+) of the feature, not to exceed two miles if such feature achieved a height (H+) 0.8 km from the stack. The height shall be at least 40 percent of the GEP stack height determined by the formula provided in subdivision 3, or 85 feet (26 meters), whichever is greater, as measured from the ground-level elevation at the base of the stack.

6. "Excessive concentrations" means, for the purpose of determining good engineering practice stack height under subdivision 4 of this subsection:

a. For sources seeking credit for stack height exceeding that established under subdivisions 2 and 3 of this subsection, a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the requirements for permits or permit revisions under this Chapter, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes or eddy effects and greater than the applicable maximum allowable increase contained in 17.08.150. The allowable emission rate to be used in making demonstrations under subdivision 4 of this subsection shall be prescribed by the new source performance standard which is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the control officer, an alternative emission rate shall be established in consultation with the source owner or operator;

b. For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under subdivisions 2 and 3 of this subsection, either:

(i) A maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects as provided in paragraph a of this subdivision, except that emission rate specified by any applicable SIP shall be used, or

(ii) The actual presence of a local nuisance caused by the existing stack, as determined by the control officer; and

c. For sources seeking credit after January 12, 1979, for a stack

height determined under subdivisions 2 and 3 of this subsection, where the control officer requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970 based on the aerodynamic influence of structures not adequately represented by the equations in subdivisions 2 and 3 of this subsection, a maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

C. The degree of emission limitation required of any source after the respective date given in subsection A of this section for control of any pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique.

D. The good engineering practice (GEP) stack height for any source seeking credit because of plume impaction which results in concentrations in violation of national ambient air quality standards or applicable maximum allowable increases under 7.08.150 can be adjusted by determining the stack height necessary to predict the same maximum air pollutant concentration on any elevated terrain feature as the maximum concentration associated with the emission limit which results from modelling the source using the GEP stack height as determined herein and assuming the elevated terrain features to be equal in elevation to the GEP stack height. If this adjusted GEP stack height is greater than stack height the source proposes to use, the source's emission limitation and air quality impact shall be determined using the proposed stack height and the actual terrain heights.

E. Before the control officer issues a permit or permit revision under this Article to a source based on a good engineering practice stack height that exceeds the height allowed by subsection B of this Section, ADEQ shall notify the public of the availability of the demonstration study and provide opportunity for public hearing in accordance with the requirements of 17.12.340. (Ord. 1994-83 § 30, 1994; Ord. 1993-128 § 3 (part), 1993)

#### **Article I. General Provisions.**

##### **17.16.010 Local rules and standards; Applicability of more than one standard.**

A. The requirements of this chapter shall apply to all sources of air contaminants operating in Pima County, including those sources under the jurisdiction of the Arizona Department of Environmental Quality.

B. If more than one emission limit or emission standard is applicable to the same source, the more stringent standard or emission limit shall apply.

C. The owner or operator of any stationary or portable source of air pollution which burns any material, except natural gas, shall keep complete records of the materials used as fuel. The owner or operator of any stationary or portable source of air pollution which incinerates any material shall keep complete records of all materials incinerated.

D. Any facility described in 17.16.010.C. utilizing any fuel source or incinerating any material which the operator has any cause to believe may be a hazardous waste shall test such material to determine if the material is a hazardous waste prior to burning or incinerating the material. If the material is a hazardous waste, the facility shall comply with section 17.16.150.

E. If any air contaminant not otherwise regulated by this Title, either as an individual pollutant or as one of a combination of pollutants that are regulated in the aggregate, is likely to be emitted by a source in such quantities as to create a significant threat to the environment or may reasonably be anticipated to result in or significantly contribute to an increase in mortality or in

serious irreversible or incapacitating reversible illness on an impacted population, the control officer shall require, by permit or order, the reduction of such emissions through the application of controls, work practice standards or standards of performance. The control officer's decision shall be in writing and shall be supported by credible scientific evidence and site specific circumstances.

1. The control officer may exempt the source from the control requirements or other requirements of this subsection if the owner or operator of the source provides a written demonstration showing that the control officer's decision is invalid or that site specific emissions will not be a significant threat to the environment or cause the impact on public health described in this subsection. The results of the demonstration, and all supporting documentation, shall be submitted to the control officer. Neither the submission of a demonstration under this subdivision nor the consideration of that demonstration by the control officer suspends or delays the deadline for filing an appeal of a permit condition or order as described in subdivision 2.

2. Sources may appeal as follows:

a. Control requirements imposed as permit conditions may be appealed pursuant to 17.12.120.

b. Control requirements imposed as orders may be appealed pursuant to 17.28.090. (Ord. 1994-83 § 47, 1994; Ord. 1993-128 §4 (part), 1993)

#### **17.16.020 Noncompliance with applicable standards.**

A. No person shall cause or permit the planning, construction, installation, erection, modification, use, or operation of an emission source which will cause or contribute to a violation of a performance standard established in this Title.

1. The actual emission rates of all identical or reasonably similar emission sources under the control of the same source operator at a contiguous geographical area shall be summed to determine compliance with a mass-emissions discharge standard.

2. A source shall comply with a discharge standard over the full range of the source's operating rates.

B. Where a stack, vent or other outlet is at such a level that fumes, gas mist, odor, smoke, vapor or any combination thereof constituting air pollution are discharged to adjoining property, the control officer may require the installation of abatement equipment or the alteration of such stack, vent or other outlet by the owner or operator thereof to a degree that will adequately reduce or eliminate the discharge of air pollution to adjoining property. (Ord. 1993-128 § 4, 1993; Ord. 1979-93 (part), 1979)

#### **17.16.040 Standards and applicability (Includes NESHAP).**

A. No person shall cause or permit the effluent from a single emission point, multiple emission point, or fugitive emissions source to have an average optical density equal to or greater than the opacity limiting standards specified in Table 17.16.040 at the end of this chapter, or as otherwise specified in this Title, subject to the following provisions:

1. Opacities (optical densities), as measured in accordance with Method 9, of an effluent shall be measured by a certified visible emissions evaluator with his natural eyes, approximately following the procedures which were used during his certification, or by an approved and precisely calibrated in-stack monitoring instrument.

2. A violation of an opacity standard shall be determined by measuring and recording a set of consecutive, instantaneous opacities, and calculating the



arithmetic average of the measurements within the set unless otherwise noted herein. The measurements shall be made at approximately fifteen-second intervals for a period of at least six minutes, and the number of required measurements shall be as specified in Table 17.16.040. Sets need not be consecutive in time, and in no case shall two sets overlap. If the average opacity of the set of instantaneous measurements exceeds the maximum allowed by any rule, this shall constitute a violation.

3. The use of air or other gaseous diluents solely for the purpose of achieving compliance with an opacity standard is prohibited.

B. When the presence of uncombined water is the only reason for failure of a source to otherwise meet the requirements of this article, this article shall not apply. (Ord. 1993-128 § 4, 1993; Ord. 1979-93 (part), 1979)

#### **17.16.050 Visibility limiting standard.**

A. No person shall cause or permit the airborne diffusion of visible emissions, including fugitive dust, beyond the property boundary line within which the emissions become airborne. In actual practice, compliance with this section shall be deemed to occur if the person is taking all necessary and feasible actions to control visible emissions. Sources may be required to cease entirely the activity or operation which is causing or contributing to the emissions.

B. For sources required to obtain a Class I or Class II permit, actions necessary and feasible to comply with subsection A of this section may be specified in permit conditions. Compliance with all permit conditions shall be deemed compliance with this section.

C. This section shall not apply when wind speeds exceed twenty-five miles per hour (using the Beaufort Scale of Wind-Speed Equivalents, or as recorded by the National Weather Service). This exception does not apply if control measures have not been taken or were not commensurate with the size or scope of the emission source. (Ord. 1994-83 § 49, 1994; Ord. 1993-128 § 4 (part), 1993; Ord. 1987-175 § 23, 1987; (Ord. 1979-93 (part), 1979)

### **Article III. Emissions from Existing and New Nonpoint Sources.**

#### **17.16.060 Fugitive dust producing activities.**

A. A permittee whose permit specifically allows fugitive dust producing operations or activities is responsible for controlling windblown dust, dust from haul roads, and dust emitted from land clearing, earthmoving, demolition, trenching, blasting, road construction, mining, racing event, and other activities, as applicable.

1. Until the area becomes permanently stabilized by paving, landscaping or otherwise, dust emissions shall be controlled by applying adequate amounts of water, chemical stabilizer, or other effective dust suppressant.

2. The permittee shall not leave land in such a state that fugitive dust emissions (including windblown dust or dust caused by vehicular traffic on the area) would violate this Title. (Ord. 1994-83 § 50, 1994; Ord. 1993-128 § 4, 1993; Ord. 1979-93 (part), 1979)

#### **17.16.100 Particulate materials.**

A. Dust emissions from the processing of material shall be effectively controlled by one or more of the following: hooding and use of dust collection equipment, water sprays, wet scrubbers, fabric filters (baghouses), electrostatic precipitators, or other equivalently effective controls.

B. Dust emissions from construction activity shall be effectively controlled by applying adequate amounts of water or other equivalently effective dust controls.

C. Dust emissions from the transportation of materials shall be effectively controlled by covering stock loads in open-bodied trucks, limiting vehicular speeds, or other equivalently effective controls.

D. Emissions from a sandblasting or other abrasive blasting operation shall be effectively controlled by applying water to suppress visible emissions (wet blasting), enclosing the operation, or use of other equivalently effective controls.

E. In addition to any other permits or approvals that may be required pursuant to this Title, all sources of metallic particulates that are not covered by a standard under this chapter for which a permit is issued by the control officer, shall propose RACT for the reduction of actual emissions and concentration of metallic particulates as part of the permit application. The control officer shall review the RACT proposal and shall issue a permit if the proposal demonstrates adequate control measures to achieve emissions reductions. (Ord. 1994-83 § 51, 1994: Ord. 1993-128 § 4 (part), 1993; Ord. 1991-136 § 12; Ord. 1990-113 § 4, 1990; Ord. 1979-93 (part), 1979)

#### **17.16.110 Storage piles.**

A. No person shall cause, suffer, allow, or permit organic or inorganic dust producing material to be stacked, piled or otherwise stored without taking reasonable precautions such as chemical stabilization, wetting, or covering to prevent excessive amounts of particulate matter from becoming airborne.

B. Stacking and reclaiming machinery utilized at storage piles shall be operated at all times with a minimum fall of material and in such manner, or with the use of spray bars and wetting agents, as to minimize and control to ensure compliance with 17.16.050. (Ord. 1993-128 § 4, 1993)

#### **17.16.120 Mineral tailings.**

No person shall cause, suffer, allow, or permit construction of mineral tailings piles without taking reasonable precautions (i.e. wetting, chemical stabilization and revegetation) to minimize and control to ensure compliance with 17.16.050. (Ord. 1993-128 § 4, 1993)

### **Article IV. New and Existing Stationary Source Performance Standards.**

#### **17.16.130 Applicability.**

A. This article shall apply only to emissions which enter the atmosphere by passing through a vent, stack, flue, or other similar containing or restrictive device, or which by reasonable modification of the emissions source the emissions can be directed through such a device for testing purposes.

B. Where the nature of a process, operation, or activity allows more than one interpretation of a requirement in this Chapter, the more restrictive or most restrictive interpretation shall apply.

C. Except as otherwise provided in this Chapter relating to specific types of sources, the opacity of any plume or effluent:

1. Shall not be greater than 40 percent, and
2. Shall be determined by reference Method 9 of the Arizona Testing Manual.

D. Where the presence of uncombined water is the only reason for the exceedance of any visible emissions requirement in this Article, such exceedance shall not constitute a violation.

E. A person owning or operating an air pollution source may ask the control officer for a determination on meeting the requirements of the applicable opacity standard.

1. The owner or operator shall submit the written reports of the results of the performance tests, the opacity observation results, and observer certification.

2. If the control officer finds that the facility is in compliance with all applicable standards for the performance test and still fails to meet the applicable opacity standard, he shall notify the owner or operator of the finding.

3. The owner or operator may petition the control officer within ten days of receipt of notification, asking the control officer to make an appropriate adjustment to the opacity standard for the facility.

4. The control officer may grant the petition after public notice and opportunity for public hearing takes place, and upon a demonstration by the owner or operator that:

a. The affected facility and the associated air pollution control equipment were operated and maintained in a manner to minimize the opacity of emissions during the performance test.

b. The performance tests were performed under the conditions established by the control officer.

c. The affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the opacity requirement.

5. The control officer may establish an opacity standard for the affected facility based on the determination made in subdivision 4 of this subsection. The opacity standard shall be set at a level indicated by the performance and opacity tests, providing that the source will be able to meet the mass or concentration standard and the opacity standard at all times. Such opacity standard shall be incorporated as a condition of the permit for the affected facility.

6. The control officer shall publish the opacity standard once in one or more newspapers of general circulation in the county.

F. The process weight rate utilized in this Article shall be determined as follows:

1. For continuous or long runs, steady state process sources, the process weight rate shall be the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

2. For cyclical or batch process sources, the process weight rate shall be the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such period. (Ord. 1979-93 (part), 1979)

**17.16.160 Standards of performance for fossil-fuel fired steam generators and general fuel burning equipment.**

A. This Section applies to the following:

1. Sources in which fuel is burned for the primary purpose of producing power, steam, hot water, hot air or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitation shall apply, except for wood waste burners as regulated under 17.16.170.

2. All fossil-fuel fired steam generating units or general fuel burning equipment which are greater than or equal to 73 megawatts capacity.

B. For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat content of solid fuel shall be determined in accordance with 17.12.040. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit.

C. No person shall cause, allow or permit the emission of particulate matter in excess of the amounts calculated by one of the following equations:

1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 1.02Q^{0.769}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

Q = the heat input in million Btu per hour.

2. For equipment having a heat input rate greater than 4200 million Btu/hr, the maximum allowable emissions shall be determined by the following equation:

$$E = 17.0Q^{0.432}$$

where "E" and "Q" have the same meaning as in paragraph 1. of this subsection.

D. When low sulfur oil is fired:

1. Existing fuel burning equipment or steam power generating installations which commenced construction or a major alteration prior to May 30, 1972 shall not emit more than 1.0 pound of sulfur dioxide maximum three hour average, per million Btu (430 nanograms per joule) heat input.

2. Existing fuel burning equipment or steam power generating installations which commenced construction or a major alteration after May 30, 1972 shall not emit more than 0.80 pounds of sulfur dioxide maximum three hour average per million Btu (340 nanograms per joule) heat input.

E. When high sulfur oil is fired all existing steam power generating and general fuel burning installations which are subject to the provisions of this Section shall not emit more than 2.2 pounds of sulfur dioxide maximum three-hour average per million Btu (946 nanograms per joule) heat input.

F. When solid fuel is fired:

1. Existing general fuel burning equipment and steam power generating installations which commenced construction or a major alteration prior to May 30, 1972 shall not emit more than 1.0 pound of sulfur dioxide maximum three-hour average, per million Btu (430 nanograms per joule) heat input.

2. Existing general fuel burning equipment and steam power generating installations which commenced construction or a major alteration after May 30, 1972 shall not emit more than 0.80 pounds, maximum three-hour average, per million Btu (340 nanograms per joule) heat input.

G. Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee, unless the applicant demonstrates to the satisfaction of the control officer that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to insure that the sulfur dioxide ambient air quality standards set forth in Chapter 17.08, Article I will not be violated.

1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.

2. In cases where the permittee is authorized to use high sulfur oil it shall submit to the control officer monthly reports detailing its efforts to obtain low sulfur oil.

3. When the conditions justifying the use of high sulfur oil no longer exist, the permit shall be modified accordingly.

4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.

H. Existing steam power generating installations which commenced construction or a major alteration after May 30, 1972, shall not emit nitrogen oxides in excess of the following amounts:

1. 0.20 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when gaseous fossil fuel is fired.

2. 0.30 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when liquid fossil fuel is fired.

3. 0.70 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when solid fossil fuel is fired.

I. Emission and fuel monitoring systems, where deemed necessary by the control officer for sources subject to the provisions of this Section, shall conform to the requirements of 17.12.060.

J. The applicable reference methods given in the Appendices to 40 CFR 60 shall be used to determine compliance with the standards as prescribed in subsections C through G and I of this Section. All tests shall be run at the heat input calculated under subsection (B) of this Section. (Ord. 1994-83 § 53, 1994: Ord. 1993-128 § 4 (part), 1993)

#### **17.16.165 Standards of performance for fossil-fuel fired industrial and commercial equipment.**

A. This Section applies to industrial and commercial installations which are less than 73 megawatts capacity (250 million British thermal units per hour); but in the aggregate on any premises are rated at greater than 500,000 British thermal units per hour (0.146 megawatts); and in which fuel is burned for the primary purpose of producing steam, hot water, hot air or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or byproducts of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.

B. For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat content of solid fuel shall be determined in accordance with 17.12.220. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit. The total heat input of all fuel-burning units on

a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

C. No person shall cause, allow or permit the emission of particulate matter, caused by combustion of fuel, from any fuel-burning operation in excess of the amounts calculated by one of the following equations:

1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 1.02Q^{0.769}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

Q = the heat input in million Btu per hour.

2. For equipment having a heat input rate greater than 4200 million Btu/hr, the maximum allowable emissions shall be determined by the following equation:

$$E = 17.0Q^{0.432}$$

where "E" and "Q" have the same meanings as in subdivision 1 of this subsection.

D. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

E. Fossil-fuel fired industrial and commercial equipment installations shall not emit more than 1.0 pounds of sulfur dioxide per million Btu heat input when low sulfur oil is fired.

F. Fossil-fuel fired industrial and commercial equipment installations shall not emit more than 2.2 pounds of sulfur dioxide per million Btu heat input when high sulfur oil is fired.

G. Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee. This condition may be omitted from the permit if the applicant demonstrates to the satisfaction of the control officer both that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to insure that the sulfur dioxide ambient air quality standards set forth in 17.08.020 will not be violated.

1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.

2. In cases where the permittee is authorized to use high sulfur oil it shall submit to the control officer monthly reports detailing its efforts to obtain low sulfur oil.

3. When the conditions justifying the use of high sulfur oil no longer exist, the permit shall be modified accordingly.

4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.

H. When coal is fired, fossil-fuel fired industrial and commercial equipment installations shall not emit more than 1.0 pound of sulfur dioxide per million Btu heat input.

I. The owner or operator subject to the provisions of this Section shall install, calibrate, maintain and operate a continuous monitoring system for measurement of the opacity of emissions discharged into the atmosphere from the control device.

J. For the purpose of reports required under excess emissions reporting required by 17.12.180, the owner or operator shall report all six-minute periods in which the opacity of any plume or effluent exceeds 15 percent.

K. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards as prescribed in this Section.

a. Method 1 for selection of sampling site and sample traverses.

b. Method 3 for gas analysis to be used when applying Reference Methods 5 and 6.

c. Method 4 and 5 for concentration of particulate matter and the associated moisture content.

d. Method 6 for concentration of SO<sub>2</sub>.

2. For Method 5, Method 1 shall be used to select the sampling site and the number of traverse sampling points. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf), except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the control officer. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature no greater than 160°C (320°F).

3. For Method 6, the sampling site shall be the same as that selected for Method 5. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft). For Method 6, the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

4. For Method 6, the minimum sampling time shall be 20 minutes and the minimum sampling volume 0.02 dscm (0.71 dscf) for each sample. The arithmetic mean of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals.

5. Gross calorific value shall be determined in accordance with the applicable ASTM methods: D-2015-91 (Test for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter) for solid fuels, D-240-87 (Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter) for liquid fuels, and D-1826-88 (Test Method for Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter) for gaseous fuels. The rate of fuels burned during each testing period shall be determined by suitable methods and shall be confirmed by a material balance over the fossil-fuel fired system. (Ord. 1994-83 § 54, 1994: Ord. 1993-128 § 4 (part), 1993)

#### 17.16.170 Incinerators.

A. An incinerator shall be operated only between the hours of official sunrise and sunset, except when the following are conditions of the operating permit:

1. The incinerator is equipped with a continuous monitoring and recording opacity meter;

2. The incinerator is used solely for the destruction of materials which would cause or contribute to air pollution if disposed of in any other practical manner;

3. The incinerating process cannot be operated efficiently during only daylight hours;

4. The opacity monitoring-and-recording equipment is calibrated and maintained in accordance with the manufacturer's specifications, and

5. The opacity monitoring records are kept for at least five years.

B. No person shall cause, allow, or permit to be emitted into the atmosphere, from any type of incinerator, smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 20 percent opacity except during the times specified in subsection E of this Section.

C. No person shall cause, allow, permit the discharge of particulate matter into the atmosphere in any one hour from any incinerator, in excess of the following limits:

1. For multiple chamber incinerators, controlled atmosphere incinerators, fume incinerators, afterburners or other unspecified types of incinerators, emissions shall not exceed 0.08 grains per cubic foot, based on dry flue gas at standard conditions, corrected to 12 percent carbon dioxide.

2. For wood waste burners other than air curtain destructors, emissions discharged from the stack or burner top opening shall not exceed 0.2 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12 percent carbon dioxide.

D. Air curtain destructors shall not be used within 500 feet of the nearest dwelling.

E. Incinerators shall be exempt from the opacity and emission requirements described in subsections B and C of this section as follows:

1. For multiple chamber incinerators, controlled atmosphere incinerators, fume incinerators, afterburners or other unspecified types of incinerators, such exemption shall be for not more than 30 seconds in any 60-minute period.

2. Wood waste burners shall be exempt both:

a. For a period once each day for the purpose of building a new fire but not to exceed 60 minutes, and

b. For an upset of operations not to exceed 3 minutes in any 60-minute period.

F. The owner or operator of any incinerator subject to the provisions of this Section shall record the daily charging rates and hours of operation.

G. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A, shall be used to determine compliance with the standards prescribed in subsection C. of this Section as follows:

a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;

b. Method 1 for sample and velocity traverses;

c. Method 2 for velocity and volumetric flow rate;

d. Method 3 for gas analysis and calculation of excess air, using the integrated sampling technique.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the control officer. (Ord. 1993-128 § 4, 1993; Ord. 1979-93 (part), 1979)



17.16.180 Standards of performance for portland cement plants.

A. The provisions of this Section are applicable to the following affected facilities in portland cement plants: kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems.

B. No person shall cause, allow or permit the discharge of particulate matter from any identifiable process source within any existing cement plant subject to the provisions of this Section which exceeds the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 33,700 pounds per hour (16.85 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 4.10P^{0.67}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate of greater than 33,700 pounds per hour (16.85 tons per hour) but no more than 250,000 pounds per hour (125 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31 P^{0.16}$$

where:

"E" and "P" are defined as indicated in subdivision 1. of this subsection.

3. For kilns having a process weight rate of greater than 250,000 pounds per hour (125 tons per hour), the maximum allowable emissions shall not exceed 0.30 pounds of particulate matter per ton of process weight.

4. For clinker coolers having a process weight rate of greater than 250,000 pounds per hour (125 tons per hour), the maximum allowable emissions shall not exceed 0.10 pounds of particulate matter per ton of process weight, maximum 2-hour average.

C. No process source within any portland cement plant shall exceed 20 percent opacity.

D. No person shall cause, allow or permit discharge into the atmosphere of an amount in excess of six pounds of sulfur oxides, calculated as sulfur dioxide, per ton cement kiln feed from cement plants subject to the provisions of this Section.

E. The owner or operator of any portland cement plant subject to the provisions of this Section shall record the daily production rates and the kiln feed rates.

F. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A, except as provided for in 17.12.050 shall be used to determine compliance with the standards prescribed in subsection B of this Section as follows:

a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;

b. Method 1 for sample and velocity traverses;

- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the minimum sampling time and minimum sample volume for each run except when process variables or other factors justifying otherwise to the satisfaction of the control officer, shall be as follows:

- a. 60 minutes and 0.85 dscm (30.0 dscf) for the kiln,
- b. 60 minutes and 1.15 dscm (40.6 dscf) for the clinker cooler.

3. Total kiln feed rate, except fuels, expressed in metric tons per hour on a dry basis, shall be both:

- a. Determined during each testing period by suitable methods; and
- b. Confirmed by a material balance over the production system.

4. For each run, particular matter emissions, expressed in g/metric ton of kiln feed, shall be determined by dividing the emission rate in g/hr by the kiln feed rate. The emission rate shall be determined by the equation,  $g/hr = Q_v \times c$ , where  $Q_v$  = volumetric flowrate of the total effluent in dscm/hr as determined in accordance with paragraph 1.c. of this subsection, and  $c$  = particulate concentration in g/dscm as determined in accordance with paragraph 1.a. of this subsection.

G. Pursuant to A.R.S. § 49-402(D), the provisions of subsections 17.16.010 (D) and (E) and section 17.16.150 shall be applicable to state regulated portland cement plants. (Ord. 1994-83 § 55, 1994: Ord. 1993-128 § 4 (part), 1993)

#### 17.16.190 Standards of performance for nitric acid plants.

A. No person shall cause, allow or permit discharge from any nitric acid plant producing weak nitric acid, which is either:

- 1. 30 to 70 percent in strength by either the increased pressure or atmospheric pressure process, or
- 2. More than 1.5 kg of total oxides of nitrogen per metric ton (3.0 lbs/ton) of acid produced expressed as nitrogen dioxide.

B. The opacity of any plume subject to the provisions of this Section shall not exceed ten percent.

C. A continuous monitoring system for the measurement of nitrogen oxides shall be installed, calibrated, maintained and operated by the owner or operator, in accordance with Section 17.12.060.

D. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standard prescribed in subsection A of this Section as follows:

- a. Method 7 for the concentration of  $NO_x$ ;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 7, the sample site shall be selected according to Method 1 and the sampling point shall be the centroid of the stack or duct or at a point

no closer to the walls than 1 m (3.28 ft.). Each run shall consist of at least four grab samples taken at approximately 15-minute intervals. The arithmetic mean of the samples shall constitute the run value. A velocity traverse shall be performed once per run.

3. Acid production rate, expressed in metric tons per hour of 100 percent nitric acid, shall be both

- a. Determined during each testing period by suitable methods and
- b. Confirmed by a material balance over the production system.

4. For each run, nitrogen oxides, expressed in g/metric ton of 100 percent nitric acid, shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation:

$$g/hr = Q_e \times c$$

where:

$Q_e$  = volumetric flow rate of the effluent in dscm/hr, as determined in accordance with paragraph 1.c. of this subsection, and  
 $c$  =  $NO_x$  concentration in g/dscm, as determined in accordance with paragraph 1.a. of this subsection. (Ord. 1993-128 § 4, 1993)

#### 17.16.200 Standards of performance for sulfuric acid plants.

A. Facilities that produce sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfide and mercaptans or acid sludge shall not discharge into the atmosphere:

1. Greater than 2 kg of sulfur dioxide per metric ton (4 lbs/ton) of sulfuric acid produced (calculated as 100 percent  $H_2SO_4$ ), or
2. Greater than 0.075 kg of sulfuric acid mist per metric ton (0.15 lbs/ton) or sulfuric acid produced (calculated as 100 percent  $H_2SO_4$ ).

B. This Section shall not apply to metallurgical plants or other facilities where conversion to sulfuric acid is utilized as a means of controlling emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

C. A continuous monitoring system for the measurement of sulfur dioxide shall be installed, calibrated, maintained and operated by the owner or operator, in accordance with 17.12.060.

D. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with standards prescribed in subsection (A) of this Section as follows:

- a. Method 8 for concentration of  $SO_2$  and acid mist;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. The moisture content can be considered to be zero. For Method 8 the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 1.15 dscm (40.6 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the control officer.

3. Acid production rate, expressed in metric tons per hour of 100 percent  $H_2SO_4$ , shall be both:

- a. Determined during each testing period by suitable methods and
- b. Confirmed by a material balance over the production system.

4. Acid mist and sulfur dioxide emissions, expressed in g/metric ton of 100 percent  $H_2SO_4$ , shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation,  $g/hr - Q_v \times c$ , where  $Q_v$  = volumetric flow rate of the effluent in dscm/hr as determined in accordance with paragraph 1.c. of this subsection, and  $c$  = acid mist and  $SO_2$  concentrations in g/dscm as determined in accordance with paragraph 1.a. of this subsection. (Ord. 1993-128 § 4, 1993)

#### 17.16.210 Standards of performance for asphalt concrete plants.

A. Fixed asphalt concrete plants and portable asphalt concrete plants shall meet the standards set forth in this Section.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any existing asphalt concrete plant in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

$E$  = the maximum allowable particulate emission rate in pounds-mass per hour, and

$P$  = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where " $E$ " and " $P$ " are defined as indicated in subdivision 1. of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

E. Liquid fuel containing greater than 0.9 percent sulfur by weight shall not be utilized for asphalt concrete plants subject to this Section.

F. Solid fuel containing greater than 0.5 percent sulfur by weight shall not be utilized for asphalt concrete plants subject to this Section.

G. The test methods and procedures required under this Section are:

1. The reference methods given in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection B.

a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content.

- b. Method 1 for sample and velocity traverses.
- c. Method 2 for velocity and volumetric flow rate.
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer.

3. Percent sulfur in liquid fuel shall be determined by ASTM method D-129-91 (Test Method for Sulfur in Petroleum Products) (General Bomb Method), and the percent sulfur in solid fuel shall be determined by ASTM method D-3177-89 (Test Method for Total Sulfur in the Analysis Sample of Coal and Coke). (Ord. 1993-128 § 4, 1993)

#### 17.16.220 Standards of performance for petroleum refineries.

A. The provisions of this Section are applicable to the following affected facilities in petroleum refineries: fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers, and fuel gas combustion devices.

B. Except as provided in subsection G of this Section, all petroleum refineries subject to this Section are also subject to the provisions of Chapter 17.16, Article VI.

C. The owner or operator of a petroleum refinery complex subject to this Section shall develop and conduct a leak monitoring program in accordance with Appendix H of the EPA Petroleum Refinery Enforcement Manual (EPA 340/1-80-008), amended as of March, 1980, which is incorporated herein by reference and on file with the Office of the Secretary of State.

D. Upon detection of a leaking component, which has a volatile organic compound concentration exceeding 10,000 ppm when tested in the manner described in 40 CFR 60, Appendix A, the owner shall both:

- 1. Include the leaking component on a written list of scheduled repairs within 24 hours; and
- 2. Repair and retest the component within 15 days.

E. Except for safety pressure relief valves, no owner or operator of a petroleum refinery shall install a valve at the end of a pipe or line containing volatile organic compounds unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap. The sealing device may be removed only when the line is in use, as when a sample is being taken.

F. No owner or operator of a petroleum refinery shall operate a pipeline valve or pressure relief valve in gaseous volatile organic compound service unless it is marked in some manner that is clearly visible.

G. Existing petroleum refineries of a capacity of 7,000 barrels per day or less shall be exempt from the emissions monitoring requirements of 40 CFR 60.105 provided the owner or operator of such a refinery complies with all of the following:

1. All process gases or fuel gases shall be treated in an afterburner, flare or other combustion device to insure complete combustion of carbon monoxide, hydrogen sulfide, and unburned hydrocarbons.

2. Ambient concentrations of SO<sub>2</sub> in the vicinity of the refinery shall be calculated using a suitable model approved by the control officer and shall not exceed the Class II maximum allowable increases given in Table 17.08.150.

3. A continuous SO<sub>2</sub> ambient air monitor approved by the control officer shall be placed in a location selected by the control officer and shall be maintained in accordance with 17.08.080, and SO<sub>2</sub> concentrations shall not exceed Class II maximum allowable increases.

#### 17.16.230 Standards of performance for storage vessels for petroleum liquids.

##### A. General Provisions

1. No petroleum liquid shall be stored in an open storage container or in any other stationary container that does not minimize emissions of hydrocarbons to the atmosphere. No person shall place, store or hold in any reservoir, tank or other container having a capacity greater than forty thousand gallons any petroleum product unless such tank, reservoir or other container is equipped with one of the following vapor loss control devices, properly installed, in operation, and in good working order:

a. A floating roof designed in accordance with accepted standards of the petroleum industry. A floating roof shall not be used if the petroleum product has a vapor pressure of eleven pounds per square inch absolute or greater under actual conditions. All tank gauging and sampling devices shall be gas tight except when gauging or sampling is taking place. Petroleum product storage containers subject to this provision shall have no visible holes, tears or other openings in the seal, or in any seal fabric. Where applicable, all openings except drains shall be equipped with a cover seal or lid. The cover seal or lid shall be in a closed position at all times, except when the device is in actual use. Automatic bleeder vents shall be closed at all times, except when the roof is floated off or landed on the roof leg supports. Rim vents, if provided, shall be set to open when the roof is being floated off the roof leg supports, or at the manufacturer's recommended setting;

b. A vapor recovery system consisting of a vapor gathering system capable of collecting the hydrocarbon vapors discharged and a vapor disposal system capable of processing such hydrocarbon vapors so as to prevent an emission rate of the vapors greater than 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere and with all tank gauging and sampling devices gas tight and leak proof except when gauging or sampling is taking place;

c. A pressure tank maintaining working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

2. No person shall install or use a petroleum product storage tank with a capacity of two hundred fifty gallons or more for the purpose of storage of petroleum products unless such tank is:

a. A pressure tank as described in paragraph A.1.c. of this section; or

b. The tank is fitted with a submerged fill pipe and, where required elsewhere in these rules, a vapor recovery system as described in the rule set out in paragraph A.1.b. of this section.

##### B. Petroleum Product Loading Facilities.

1. The owner or operator of any loading facility or stationary storage container regulated under this rule shall not allow visible liquid leaks or spills during loading or unloading operations. Complete drainage shall be accomplished before the loading or unloading device is disconnected unless drybreak couplings are used. No person shall allow petroleum products to be loaded into a delivery vessel at a facility regulated under this rule unless a means has been provided to ensure that the vapor return line is connected.

2. Facilities loading seven million gallons or more per year.

a. No person shall load petroleum products into any delivery vessel at any loading facility having an annual throughput of seven million gallons or more unless the loading facility is equipped for bottom fill, or for submerged fill when top loading, and has a vapor collection and disposal system capable of preventing an emission rate greater than 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere.

b. Loading shall be accomplished in such a manner that the displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

c. During loading or unloading operations there shall be no reading greater than or equal to one hundred percent of the lower explosive limit (LEL, measured as propane) at 1.0 inch (2.5 cm) around the perimeter of a potential leak source as detected by a combustible gas detector using the test procedure described in subsection B2d of this section or any other test procedure deemed equally effective by the control officer or contained in the Arizona Testing Manual (A.T.M.). Any bulk plant, service station or bulk terminal exempted from any other subsection of this section shall be exempt from these requirements.

d. Test Procedure. During loading or unloading, check the periphery of all potential sources of leakage of the loading facility with a combustible gas detector.

(i) Pressure. Place a pressure tap in the loading facility's vapor control system, as close as possible to the connection with the truck tank. Record the pressure periodically during testing.

(ii) Calibration. Calibrate the combustible gas detector with 2.2 percent propane by volume in air for one hundred percent LEL response.

(iii) Probe Distance. The probe inlet shall be 1.0 inch (2.5 cm) from the potential leak source.

(iv) Probe Movement. Move the probe slowly (0.8 in/sec) (2.0 cm/sec). If there is any meter deflection at a potential leak source, move the probe to locate the point of highest meter response.

(v) Probe Position. The probe inlet shall be positioned in the path of (parallel to) the vapor flow from a leak.

(vi) Wind. Conduct test when wind speed is five mph or less.

(vii) Recording. Record the highest detector reading and location for each incidence of leakage.

e. Vapor leak testing shall be conducted annually by the owner of the loading facility, or a consultant, at the expense of the owner. At least two weeks prior to testing, the owner shall notify the control officer of the date, time and location of the testing. The control officer or his representatives may observe the tests.

### 3. Loading Facilities loading less than seven million gallons per year.

a. No person shall load petroleum products into any delivery vessel from any loading facility having an annual throughput of less than seven million gallons unless the loading facility is equipped to return the vapors displaced from the delivery vessel back to the stationary storage container. The owner or operator of the loading facility shall be subject to the testing requirements of the rule set out in subsection B.2., d and e of this section.

b. Any loading facility in operation prior to December 31, 1986 that distributed, and continues to distribute, less than one million gallons per

year shall be exempt from the provisions of this rule provided that the owner or operator petitions the control officer annually for this exemption.

c. Any loading facility constructed or installed on or after December 31, 1986, regardless of throughput, shall be equipped to return the vapors displaced from the delivery vessel back to the stationary storage container.

4. When loading is effected through the hatches of a tank truck or trailer with a loading arm equipped with a vapor collecting adapter, a pneumatic, hydraulic or other mechanical means shall be provided to force a vapor tight seal between the adapter and the hatch.

#### C. Delivery Vessels

1. No person shall store or transport petroleum products in or otherwise use or operate any delivery vessel unless such vessel is designed and maintained to comply with the requirements of paragraphs B.2.d. and C.4.b. of this section. Any delivery vessel into which vapors have been transferred shall be refilled only at a loading facility that is equipped with a system that prevents an emission rate greater than 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere.

2. Delivery vessels presently in operation which service only stationary storage containers specifically exempted under the rule set out in subsection D of this section need not be retrofitted to comply with the provisions of this rule if loaded only at a bulk plant or loading facility exempted under subdivision B.3. of this section.

3. No person shall operate any delivery vessel unless all vapor recovery line connections are capped or sealed, except during hookup or disconnection for loading or unloading operations.

4. No owner or operator shall allow a delivery vessel subject to this regulation to be filled or emptied unless the delivery vessel:

a. Is tested annually using EPA Test Method 27 (two runs) to verify compliance with subsection C.4.b. of this section;

b. With a capacity of two thousand five hundred gallons or more, sustains a pressure change of no more than one inch of water (two hundred fifty pascals) in five minutes, when pressurized to a gauge pressure of eighteen inches of water (four thousand five hundred pascals) or evacuated to a gauge pressure of six inches of water (one thousand five hundred pascals) during the testing required in paragraph C.4.a. of this section. At no time after the annual test shall a pressure change of more than 2.5 inches of water (six hundred twenty-five pascals) occur when the vessel is tested as above;

c. With a delivery vessel or compartment (where the delivery vessel compartments must be tested by individual compartment) capacity of less than two thousand five hundred gallons, the pressure change in five minutes shall not exceed the values listed below:

Tank or Compartment Capacity (gallons)	Annual Certification (inches of water)	At any other time (inches of water)
2499 to 1500	1.5	3.0
1499 to 1000	2.0	3.5
999 or less	2.5	4.0

d. Is repaired by the owner or operator and retested within fifteen days of testing if it does not meet the criteria of paragraph C.4.b. of this section;



e. Displays a sticker obtained from the control officer. The sticker shall be placed at the left front (driver's) side of the delivery vessel.

5. Upon receipt of satisfactory test results required in paragraphs C.4.a. and C.4.b. of this section, a sticker will be issued that expires no more than one year from date of issue.

6. Test results for previously certified delivery vessels must be submitted to the control officer within forty-five days prior to the expiration date of the current sticker.

7. Tests shall be conducted annually by the owner of the delivery truck, or a consultant, at the expense of the owner. At least two working days prior to testing, the owner shall notify the control officer of the date, time and location of the testing. The control officer or his representatives may observe the tests.

D. Loading into Stationary Storage Containers.

1. No person shall transfer or permit the transfer of petroleum products from any delivery vessel or pipeline into any stationary storage container above or below ground with a capacity of two hundred fifty gallons or more unless such container is equipped with a permanent submerged fill pipe and unless ninety-five percent by weight of the gasoline vapors displaced during the filling of the stationary storage container is prevented from being released to the atmosphere.

2. The provisions of this rule shall be subject to the following exceptions:

a. The transfer of such products into any stationary storage container used exclusively for the fueling of implements of normal cultural farm practices;

b. The transfer of such products into any stationary storage container used to store such products which are not for resale, provided that such container is equipped with a permanent submerged fill pipe, and the annual throughput is less than two hundred thousand gallons. Facilities storing such products which are not for resale and which have an annual throughput of two hundred thousand gallons or greater shall comply with the provisions of this rule by July 1, 1987;

c. The transfer of such products into any stationary storage container having a capacity of one thousand gallons or less which was installed prior to 1969 provided that such container is equipped with a permanent submerged fill pipe;

d. The transfer of such products into or from any underground storage container installed prior to 1969 which has a capacity equal to or less than forty thousand gallons, where the fill line between the fill connection and container is offset;

e. The transfer of such products into any stationary storage container in existence prior to 1969, which is served by a delivery vessel exempted by the control officer pursuant to subdivision C.2. of this section provided that such container is equipped with a permanent submerged fill pipe;

f. The transfer of such products into any stationary storage container which the control officer finds is equipped to control emissions at least as effectively as required by this rule.

3. The owner or operator of any stationary storage container which is subject to this rule and which is installed or constructed on or after December 31, 1986 shall comply with the provisions of this rule at the time of installation.

E. Other Provisions Applicable to Petroleum Products Storage and Handling.

1. Vapor return and/or vapor recovery/disposal systems used to comply with the provisions of these rules shall comply with all safety, fire, weights and measures, and all other applicable laws, ordinances and rules and regulations.

2. The applicant for an installation or operating permit for any vapor return and/or vapor recovery/disposal system installed or used to comply with the provisions of these rules shall submit all engineering drawings, specifications, and certifications necessary to demonstrate to the control officer that the back pressure in the system will not exceed eighteen inches of water and that the system is capable of preventing an emission rate exceeding 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere.

3. Vapor recovery systems, components, and fittings for delivery vessels and stationary storage tanks subject to subdivisions D.1. and E.1. of this section must conform with those systems and hardware certified by the State of California Air Resources Board (CARB). The control officer has a list of CARB-certified systems and hardware on file. Systems or components not CARB-certified must demonstrate equivalency. (Ord. 1993-128 § 4, 1993; Ord. 1987-175 § 19, 1987; Ord. 1986-227 § 1 (part), 1986; Ord. 1979-93 (part), 1979).

#### 17.16.240 Standards of performance for secondary lead smelters

A. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any existing secondary lead smelter in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum, allowable emission rate in pounds-mass per hour, and

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

B. Emission values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

D. The opacity of emissions subject to the provisions of this Section shall not exceed 20 percent.

E. The test methods and procedures required by this Section are as follows:

1. The reference methods set forth in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection A of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter;
- b. Method 1 for sample and velocity traverses;

- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. Particulate sampling shall be conducted during representative periods of furnace operation including charging and tapping.

#### 17.16.250 Standards of performance for secondary brass and bronze ingot production plants.

A. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any secondary brass or bronze ingot production plant in total quantities in excess of the amount calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum, allowable particulate emission rate in pounds-mass per hour, and

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

B. Emission values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

D. The opacity of emissions subject to the provisions of this Section shall not exceed 20 percent.

E. The test methods and procedures required by this Section are as follows:

1. The reference methods set forth in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection A of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 120 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. Particulate sampling shall be conducted during representative periods of charging and refining but not during pouring of the heat. (Ord. 1993-128 § 4, 1993)

**17.16.260 Standards of performance for iron and steel plants.**

A. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any basic oxygen process furnace in total quantities in excess of the amount calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum, allowable particulate emission rate in pounds-mass per hour, and

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

B. Emission values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

D. The opacity of emissions subject to the provisions of this Section shall not exceed 20 percent.

E. Monitoring of operations under this Section is as follows:

1. The owner or operator of an affected facility shall maintain daily records of the time and duration of each steel production cycle.

2. The owner or operator of any affected facility that uses Venturi scrubber emission control equipment shall install, calibrate, maintain and continuously operate the following monitoring devices:

a. A monitoring device for the continuous measurement of the pressure loss through the Venturi constriction of the control equipment. The monitoring device shall be certified by the manufacturer to be accurate within  $\pm 250$  pascals ( $\pm 1$  inch water).

b. A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 5$  percent of the design water supply pressure. The pressure sensor or tap shall be located close to the water discharge point.

3. All monitoring devices required in subdivision F.2. of this Section shall be recalibrated annually and at other times as the control officer may require, in accordance with the procedures in Appendix 9 of A.A.C. Title 18, chapter 2.

F. The test methods and procedures required under this Section are as follows:

1. The reference methods set forth in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection A of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall continue for an integral number of cycles with total duration of at least 60 minutes. The sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. A cycle shall start at the beginning of either the scrap preheat or the oxygen blow and shall terminate immediately prior to tapping. (Ord. 1993-128 § 4, 1993)

#### 17.16.270 Standards of performance for sewage treatment plants.

A. No person shall cause, allow or permit to be emitted into the atmosphere, from any municipal sewage treatment plant sludge incinerator:

1. Smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 20 percent opacity for more than 30 seconds in any 60-minute period.

2. Particulate matter in concentrations in excess of 0.08 grains per cubic foot, based on dry flue gas at standard conditions, corrected to 12 percent carbon dioxide.

B. The owner or operator of any sludge incinerator subject to the provisions of this Section shall monitor operations by doing all of the following:

1. Install, calibrate, maintain and operate a flow measuring device which can be used to determine either the mass or volume of sludge charged to the incinerator. The flow measuring device shall have an accuracy of  $\pm 5$  percent over its operating range.

2. Provide access to the sludge charged so that a well-mixed representative grab sample of the sludge can be obtained.

3. Install, calibrate, maintain and operate a weighing device for determining the mass of any municipal solid waste charged to the incinerator when sewage sludge and municipal solid wastes are incinerated together. The weighing device shall have an accuracy of  $\pm 5$  percent over its operating range.

C. The test methods and procedures required by this Section are as follows:

1. The reference methods set forth in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection A. of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.015 dscm/min (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. (Ord. 1993-128 § 4, 1993)

#### 17.16.280 Standards of performance for primary copper smelters; site specific requirements.

A. No owner or operator of a primary copper smelter shall cause, allow or permit the discharge of particulate matter into the atmosphere from any process in total quantities in excess of the amount calculated by one of the following

equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour, and

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

B. Emission values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter for that process.

D. The opacity of emissions subject to the provisions of this Section shall not exceed 20 percent.

E. The reference methods set forth in the Arizona Testing Manual and 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in this Section as follows:

1. Method A1 or Reference Method 4 and 5 for concentration of particulate matter and associated moisture content.
2. Reference Method 1 for sample and velocity traverses.
3. Reference Method 2 for volumetric flow rate.
4. Reference method 3 for gas analysis.

F. Except as provided in a consent decree or a delayed compliance order, the owner or operator of the copper smelter of Phelps Dodge Corporation, New Cornelia Branch, shall not discharge or cause the discharge of sulfur dioxide into the atmosphere from any stack required to be monitored by 17.16.290.K. in excess of the following:

a. Annual average emissions, as calculated pursuant to 17.16.290.C. through 17.16.290.J., shall not exceed 8,900 pounds per hour.

b. The number of three-hour average emissions as calculated pursuant to 17.16.290.C through 17.16.290.J. shall not exceed n cumulative occurrences in excess of E, the emission level, shown in the following table in any compliance period:

<u>n</u>	<u>E, lb/hr.</u>	<u>n</u>	<u>E, lb/hr.</u>
0	37,000	180	19,500
1	35,000	245	18,500
2	32,500	330	17,500
4	31,000	435	17,000
7	29,000	560	16,000
12	27,500	710	15,000
20	26,000	890	14,250
32	25,000	1100	13,500
48	23,500	1340	12,500
68	22,500	1610	12,000
94	21,500	1910	11,000

**17.16.290 Standards of performance for primary copper smelters; compliance and monitoring.**

A. For purposes of this section, if ADEQ delegates authority for primary copper smelters to the department, the term "director" shall mean "control officer" and "ADEQ" shall mean the "department".

B. The cumulative occurrence and emission limits specified in 17.16.280.F. shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur dioxide control and removal equipment, but not including uncaptured fugitive emissions and those emissions due solely to the use of fuel for space heating or steam generation.

C. Periods of malfunction, startup, shutdown or other upset conditions shall not be excluded when determining compliance with the cumulative occurrence or annual average emission limits specified in 17.16.280.F.

D. Compliance with the cumulative occurrence and emission limits contained in 17.16.280.F. shall be determined as follows:

1. Annual average emissions shall be calculated at the end of each day by averaging the emissions for all hours measured during the compliance period ending on that day. An annual emissions average in excess of the allowable annual average emission limit will be considered a violation if either:

a. The annual average is larger than the annual average computed for the preceding day; or

b. The annual averages computed for the five preceding days all exceed the allowable annual average emission limit.

2. Three-hour emissions averages shall be calculated at the end of each clock hour by averaging the hourly emissions for the preceding three consecutive hours whenever each such hour was measured in accordance with the requirements contained in subsection K of this Section.

E. For purposes of this Section, the compliance date, unless otherwise provided in a consent decree or a delayed compliance order, shall be January 14, 1986.

F. For purposes of subsection C. of this Section, a three-hour emissions average in excess of an emission level (E) will be considered to violate the associated cumulative occurrence limit (n) listed in 17.16.280.F. if both:

1. The number of all three-hour emissions averages measured during the compliance period in excess of that emission level exceeds the cumulative occurrence limit associated with the emission level; and

2. The average was measured during the last operating day of the compliance period being reported.

G. A three-hour emissions average can only violate the cumulative occurrence limit (n) of an emission level (E) in the day containing the last hour in the average.

H. Multiple violations of a cumulative occurrence limit in the same day and violations of different cumulative limits in the same day shall constitute a single violation of the requirements of 17.16.280.

I. The violation of any cumulative occurrence limit and an annual average emission limit in the same day shall constitute only a single violation of the requirements of 17.16.280.

J. Multiple violations of a cumulative occurrence limit by different three-hour emissions averages containing any common hour shall constitute a single violation of the requirements of 17.16.280.

K. For purposes of determining compliance with subsections C through I of this Section, the compliance period shall consist of the 365 calendar days immediately preceding the end of each day of the month being reported unless that period includes less than 300 operating days. In such case the number of days preceding the last day of the compliance period shall be increased until the compliance period contains 300 operating days. Any day in which sulfur containing feed is introduced into the smelting process constitutes an operating day.

L. For purposes of determining compliance with the cumulative occurrence and emission limits contained in 17.16.280.F., the owner or operator of any smelter subject to such limits shall install, calibrate, maintain, and operate a measurement system for continuously monitoring sulfur dioxide concentrations and stack gas volumetric flow rates in each stack which could emit five percent or more of the allowable annual average sulfur dioxide emissions from the smelter.

1. Such measurement system shall also continuously monitor sulfur dioxide concentrations and stack gas volumetric flow rates in the outlet of each piece of sulfur dioxide control equipment.

2. Captured fugitive emissions shall be continuously monitored for sulfur dioxide concentrations and stack gas volumetric flow rates, and these emissions shall be included as part of total plant emissions when determining compliance with the cumulative occurrence and emission limits contained in 17.16.280.F.

3. If the owner or operator can demonstrate to the director that measurement of stack gas volumetric flow in the outlet of any particular piece of sulfur dioxide control equipment would yield inaccurate results or would be technologically infeasible, then the director may allow measurement of the flow rate at an alternative sampling point.

4. For purposes of this subsection, continuous monitoring means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack, outlet or other approved measurement location in each 15-minute period. An hour of smelter emissions shall be considered to have been continuously monitored if the emissions from all monitored stacks, outlets or other approved measurement locations are measured for at least 45 minutes of any hour in accordance with the requirements of this subsection.

5. The continuous monitoring system described in this subsection shall meet all of the following requirements:

a. No later than 18 months prior to the compliance date and at such other times as the director may specify, the stack gas volumetric flow rate measurement system installed and operated pursuant to this Section shall be demonstrated to meet the performance specifications prescribed in 40 CFR 52, Appendix E.

b. No later than 18 months prior to the compliance date and at such other times as the director may specify, the sulfur dioxide concentration measurement system installed and operated pursuant to this Section shall be demonstrated to meet the measurement system performance specifications prescribed in 40 CFR 52, Appendix D, except that "maximum anticipated concentration" shall be substituted for "emission standard" in "Table I -- Performance Specifications."

c. The demonstrations of measurement systems performance required by paragraphs a and b of this subdivision shall be conducted in accordance with the field test procedures prescribed by 40 CFR 52, Appendices D and E. The director shall be notified at least 30 days in advance of the start of the field tests.



d. Location of all sampling points for monitoring sulfur dioxide concentrations and stack gas volumetric flow rates shall be approved in writing by the director prior to installation and operation of measurement instruments.

e. The measurement system installed and used pursuant to this subsection shall be subject to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

M. Failure of the owner or operator of a smelter subject to this Section to measure at least 95 percent of the hours during which emissions occurred in any month shall constitute a violation of this Section.

N. Failure of the owner or operator of a smelter subject to this Section to measure any 12 consecutive hours of emissions in accordance with the requirements of subsection K of this Section shall constitute a violation of this Section.

O. The owner or operator of any smelter subject to this Section shall maintain on hand and ready for immediate installation sufficient spare parts or duplicate systems for the continuous monitoring equipment required by this Section to allow for the replacement within six hours of any monitoring equipment part which fails or malfunctions during operation.

P. As a means of determining total overall emissions, the owner or operator of any smelter subject to this Section shall perform material balances for sulfur in accordance with the procedures prescribed by Appendix 8 of A.A.C., Title 8, chapter 2.

Q. The owner or operator of any smelter subject to this Section shall maintain a record of all average hourly emissions measurements required to be measured by this Section. The record of such emissions shall be retained for at least two years following the date of measurement. All of the following measurement results shall be expressed as pounds per hour of sulfur dioxide and shall be summarized monthly and submitted to the director within 20 days after the end of each month:

1. For all periods described in subsection C of this Section, the annual average emissions (expressed in pounds per hour) as calculated at the end of each day of the month;

2. The total number of hourly periods during the month in which measurements were not taken and the reason for loss of measurement for each period;

3. The number of three-hour emissions averages which exceeded each of the applicable emissions levels listed in 17.16.280.F. for the compliance periods ending on each day of the month being reported;

4. The date on which a cumulative occurrence limit listed in 17.16.280.F. was exceeded if such exceedance occurred during the month being reported.

R. The owner or operator of a smelter subject to this Section shall submit a proposed compliance schedule to the director which demonstrates that the emission limits of 17.16.280.F. will be achieved at the smelter as expeditiously as practicable, but no later than the compliance date.

S. The schedule submitted pursuant to subsection R of this Section shall include increments of progress and the date for achievement of such increments. The increments of progress shall include all of the following:

1. No later than 30 months prior to the compliance date, submission to the director of a final control plan for meeting the emission limits in

17.16.280.F.;

2. No later than 28 months prior to the compliance date, letting of contracts or issuance of purchase orders for any process or control equipment necessary to accomplish the required emission control;

3. No later than 24 months prior to the compliance date, initiation of any necessary on-site construction or initiation of any necessary installation of emission control equipment or process modification;

4. No later than 24 months prior to the compliance date, submission of the fugitive emissions evaluation prescribed in 17.16.300.B. through D, including a compliance plan for installation of any additional fugitive emission control equipment necessary to assure attainment and maintenance of the applicable ambient air quality standards in the vicinity of the smelter;

5. No later than 18 months prior to the compliance date, the initiation of the demonstrations of stack gas volumetric flow rate and sulfur dioxide concentration measurement systems required by subsections K L.5.a. and b.

6. No later than three months prior to the compliance date, completion of any necessary on-site construction, or installation of emission control equipment or process modification; and

7. No later than the compliance date, achievement of compliance with the emission limits in 17.16.280.F.

T. The owner or operator shall certify to ADEQ, within 15 days after the deadline for completion of each increment, whether the required increment of progress has been met.

U. At each point in the smelter facility where a means exists to bypass the sulfur removal equipment, such bypass shall be instrumented and monitored to detect and record all periods that the bypass is in operation. Each owner or operator of a copper smelter shall report to the Director, not later than the fifteenth day of each month, the information required to be recorded by this Section. Such report shall include an explanation for the necessity of the use of the bypass. (Ord. 1994-83 § 56, 1994: Ord. 1993-128 § 4 (part), 1993)

**17.16.300 Standards of performance for primary copper smelters; fugitive emissions.**

A. For purposes of this section:

1. If ADEQ delegates authority for primary copper smelters to the department, the term "director" shall mean "control officer" and "ADEQ" shall mean the "department"; and

2. The compliance date, unless otherwise provided in a consent decree or a delayed compliance order, shall be January 14, 1986.

B. Not later than 24 months before the compliance date the owner or operator of a smelter subject to 17.16.280, shall submit to the director the results of an evaluation of the fugitive emissions from the smelter. The evaluation results shall contain all of the following information:

1. A measurement or accurate estimate of total fugitive emissions from the smelter during typical operations, including planned start-up and shutdown. The measurement or estimate shall contain the amount of both average short-term (24 hours) and average long-term (monthly) fugitive emissions from the smelter. The evaluation plan shall be approved in advance by ADEQ and shall specify the method used to determine the fugitive emission amounts, including the conditions determined to be "typical operations" for the smelter.

2. A measurement or accurate estimate of the relative proportion,

expressed as a percentage, of total fugitive emissions during typical operations, including planned start-up and shutdown, produced by any of the following smelter processes:

- a. Roaster or dryer operation;
- b. Calcine or dried concentrate transfer;
- c. Reverberatory furnace operations, including feeding, slag return, matte and slag tapping;
- d. Matte transfer; and
- e. Converter operations.

3. The measurement technique or method of estimation used to fulfill the requirement in subdivision 2 of this subsection shall be approved in advance by ADEQ.

4. The results of at least a 6-month fugitive emission impact analysis conducted during that part of the year when fugitive emissions are expected to have the greatest ambient air quality impact. The study shall utilize sufficient measurements of fugitive emissions, meteorological conditions and ambient sulfur dioxide concentrations to associate fugitive emissions with specific measured ambient concentrations of sulfur dioxide. The study shall describe in detail the techniques used to make the required determinations. The design of the study shall be approved in advance by ADEQ.

C. On the basis of the results of the evaluation as well as other data and information contained in the records of ADEQ, the Director shall determine whether fugitive emissions from a particular smelter have the potential to cause or significantly contribute to violations of the ambient sulfur dioxide standards in the vicinity of the smelter. If the Director finds that fugitive emissions from a particular smelter have the potential to cause or significantly contribute to violations of ambient sulfur dioxide standards in the vicinity of a smelter, then the Director shall adopt rules specifying the emission limits and undertake other appropriate measures necessary to maintain ambient sulfur dioxide standards.

D. The requirements of subsection B of this Section shall not apply to a smelter subject to this Section if the owner or operator of that smelter can demonstrate to the Director both that:

1. Compliance with the applicable cumulative occurrence and emission limits listed in 17.16.280.F. will require the smelter to undergo major modifications to its physical configuration or work practices prior to the compliance date, and

2. That the modification will reduce fugitive emissions to such an extent that such emissions will not cause or significantly contribute to violations of ambient sulfur dioxide standards in the vicinity of the smelter.

E. In order to assess the sufficiency of the cumulative occurrence and emission limits contained in 17.16.280.F. to maintain the ambient air quality standards for sulfur dioxide set forth in 17.08.020, an owner or operator of a smelter subject to this Section shall continue to calibrate, maintain and operate any ambient sulfur dioxide monitoring equipment owned by the smelter owner or operator and in operation within the area of the smelter enclosed by a circle with ten-mile radius as calculated from a center point which shall be the point of the smelter's greatest sulfur dioxide emissions, for a period of at least three years after the compliance date.

1. Such monitors shall be operated and maintained in accordance with 40 CFR 50 and 58 and such other conditions as the Director deems necessary.

2. The location of ambient sulfur dioxide monitors and length of time such monitors remain at a location shall be determined by the Director. (Ord. 1993-128 § 4, 1993)

**17.16.310 Standards of performance for coal preparation plants.**

A. The provisions of this Section are applicable to any of the following affected facilities in coal preparation plants: thermal dryers, pneumatic coal-cleaning equipment, coal processing and conveying equipment including breakers and crushers, coal storage systems, and coal transfer and loading systems. For purposes of this Section, the definitions contained in 40 CFR 60.251 are adopted by reference and incorporated herein.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any existing coal preparation plant in total quantities in excess of the amounts calculated by one of the following equations set forth:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1. of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

E. Fugitive emissions from coal preparation plants shall be controlled in accordance with 17.16.070 through 17.16.110.

F. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A are used to determine compliance with standards prescribed in subsection B of this section as follows:

a. Method 4 and 5 for the concentration of particulate matter and associated moisture content.

b. Method 1 for sample and velocity traverses.

c. Method 2 for velocity and volumetric flow rate.

d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume is 0.85 dscm (30 dscf), except that short sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the control officer. Sampling shall not be started until 30 minutes after start-up and shall be terminated before shutdown procedures commence. The owner or operator of the affected facility shall eliminate cyclonic flow during performance tests in a manner acceptable to the control officer.

3. The owner or operator shall construct the facility so that particulate emissions from thermal dryers or pneumatic coal cleaning equipment can be accurately determined by applicable test methods and procedures under subdivision 1 of this subsection. (Ord. 1993-128 § 4, 1993)

**17.16.320 Standards of performance for steel plants: electric arc furnaces (EAF).**

A. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from electric arc furnaces or dust-handling equipment which are affected facilities in any steel plant in total quantities in excess of the amount calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum, allowable particulate emission rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

B. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

D. The opacity standard of 40 percent shall not be exceeded by existing steel plant electric arc furnaces and their appurtenances for more than an aggregate of 3 minutes in any 45-minute period.

E. A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the control device shall be installed, calibrated, maintained, and operated by the owner or operator subject to the provisions of this Section.

F. The test methods and procedures required under this Section are as follows:

1. Reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed under subsection A of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least four hours. When a single EAF is sampled, the sampling time for each run shall also include an integral number of heats. Shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. The minimum sample volume shall be 4.5 dscm (160 dscf). (Ord. 1993-128 § 4, 1993)

**17.16.330 Standards of performance for kraft pulp mills.**

A. The provisions of this Section are applicable to the following affected facilities in kraft pulp mills: digester system, brown stock washer system,

multiple-effect evaporator system, black liquor oxidation system, recovery furnace, smelt dissolving tank, lime kiln, and condensate stripper system. In pulp mills in which kraft pulping is combined with neutral sulfite semi-chemical pulping, the provisions of this Section are applicable when any portion of the material charged to an affected facility is produced by the kraft pulping operation.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any kraft pulp mill process source in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum, allowable particulate emission rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

E. No person shall cause, allow or permit the discharge of sulfur measured as hydrogen sulfide ( $H_2S$ ) in excess of the following amounts:

1. From any recovery furnace, any gases which contain  $H_2S$  in excess of 20 ppm by volume corrected to eight percent oxygen.

2. From any lime kiln, any gases which contain  $H_2S$  in excess of 40 ppm by volume corrected to 10 percent oxygen.

F. Any owner or operator subject to the provisions of this Section shall install, calibrate, maintain, and operate the following continuous monitoring systems:

1. A continuous monitoring system to monitor and record the opacity of the gases discharged into the atmosphere from any recovery furnace. The span of this system shall be set at 70 percent opacity.

2. A continuous monitoring system, to monitor and record the concentration of  $H_2S$  emissions discharged into the atmosphere from any recovery furnace or lime kiln. The span shall be set at  $H_2S$  concentration of 50 ppm.

3. A continuous monitoring system to monitor and record the percent of oxygen by volume in the gases discharged from any recovery furnace or lime kiln. The continuous monitoring system shall be located downstream of the control device for the recovery furnace or lime kiln, and all measurements shall be made on a dry basis. The span of this system shall be set at 20 percent oxygen.

4. For any lime kiln or smelter dissolving tank using a scrubber

emission control device:

a. A monitoring device for the continuous measurement of the pressure loss of the gas stream through the control equipment. The monitoring device shall be certified to the manufacturer to be accurate within a gage pressure of  $\pm 500$  pascals (ca.  $\pm 2$  inches of water gage pressure).

b. A monitoring device for the continuous measurement of the scrubbing liquid supply pressure to the control equipment. The monitoring device shall be certified by the manufacturer to be accurate within  $\pm 15$  percent of design scrubbing liquid supply pressure. The pressure sensor or tap shall be located close to the scrubber liquid discharge point, although the control officer may be consulted for approval of alternative locations.

G. The test methods and procedures required by this Section are as follows:

1. The reference methods in the Arizona Testing Manual and 40 CFR 60, Appendix A, except as provided under 17.12.050 shall be used to determine compliance with this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;
- b. Method 1 for sample and velocity traverses;
- c. Method 3 for gas analysis;
- d. Method 9 for visible emissions;
- e. Method 11 for total reduced sulfur as hydrogen sulfide.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. Water shall be used as the cleanup solvent instead of acetone in the sample recovery procedure outlined in Method 5. For determination of compliance with this Section, particulate measurements shall at least be made on the recovery furnace, smelt dissolving tank, and lime kiln. All concentrations of particulate matter from the lime kiln and recovery furnace shall be corrected to ten volume percent oxygen and eight volume percent oxygen, respectively, when the oxygen concentrations exceed these values. (Ord. 1993-128 § 4, 1993)

#### 17.16.340 Standards of performance for stationary rotating machinery.

A. The provisions of this Section are applicable to the following affected facilities: all stationary gas turbines, oil-fired turbines, or internal combustion engines. This Section also applies to an installation operated for the purpose of producing electric or mechanical power with a resulting discharge of sulfur dioxide in the installation's effluent gases.

B. For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. Compliance tests shall be conducted during operation at the normal rated capacity of each unit. The total heat input of all operating fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

C. No person shall cause, allow or permit the emission of particulate matter, caused by combustion of fuel, from any stationary rotating machinery in excess of the amounts calculated by one of the following equations:

1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 1.02Q^{0.769}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass

per hour.

Q = the heat input in million Btu per hour.

2. For equipment having a heat input rate greater than 4200 million Btu/hr., the maximum allowable emissions shall be determined by the following equation:

$$E = 17.0Q^{0.432}$$

where "E" and "Q" have the same meaning as in subdivision 1 of this subsection.

D. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

E. No person shall cause, allow or permit to be emitted into the atmosphere from any stationary rotating machinery, smoke for any period greater than ten consecutive seconds which exceeds 40 percent opacity. Visible emissions when starting cold equipment shall be exempt from this requirement for the first ten minutes.

F. When low sulfur oil is fired, stationary rotating machinery installations shall burn fuel which limits the emission of sulfur dioxide to 1.0 pound per million Btu heat input.

G. When high sulfur oil is fired, stationary rotating machinery installations shall not emit more than 2.2 pounds of sulfur dioxide per million Btu heat input.

H. Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee. This condition may not be included in the permit if the applicant demonstrates to the satisfaction of the control officer both that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to insure that the sulfur dioxide ambient air quality standards set forth in 17.08.020 will not be violated.

1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.

2. In cases where the permittee is authorized to use high sulfur oil, the permittee shall submit to the control officer monthly reports detailing efforts to obtain low sulfur oil.

3. When the conditions justifying the use of high sulfur oil no longer exist, the permit shall be modified accordingly.

4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.

I. The owner or operator of any stationary rotating machinery subject to the provisions of this Section shall record daily the sulfur content and lower heating value of the fuel being fired in the machine.

J. The owner or operator of any stationary rotating machinery subject to the provisions of this Section shall report to the control officer any daily period during which the sulfur content of the fuel being fired in the machine exceeds 0.8 percent.

K. The test methods and procedures required by this Section are as follows:

1. To determine compliance with the standards prescribed in subsections C through H of this Section, the following reference methods shall be used:

a. Reference Method 20 in 40 CFR 60, Appendix A for the concentration of sulfur dioxide and oxygen.



b. ASTM Method D-129-91 (Test Method for Sulfur in Petroleum Products) (General Bomb Method) for the sulfur content of liquid fuels.

c. ASTM Method D-1072-90 (Test Method for Total Sulfur in Fuel Gases) for the sulfur content of gaseous fuels.

2. To determine compliance with the standards prescribed in subsection J of this Section, the following reference methods in the Arizona Testing Manual shall be used:

a. ASTM Method D-129-91 (Test Method for Sulfur in Petroleum Products) (General Bomb Method) for the sulfur content of liquid fuels.

b. ASTM Method D-1072-90 (Test Method for Total Sulfur in Fuel Gases) for the sulfur content of gaseous fuels. (Ord. 1993-128 § 4, 1993)

#### 17.16.350 Standards of performance for lime manufacturing plants.

A. The provisions of this Section are applicable to the following affected facilities used in the manufacture of lime: rotary lime kilns, vertical lime kilns, lime hydrators, and limestone crushing facilities. This Section is also applicable to limestone crushing equipment which exists apart from other lime manufacturing facilities.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any lime manufacturing or limestone crushing facility in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

E. Fugitive emissions from lime plants shall be controlled in accordance with 17.16.070 through 17.16.110.

F. The owner or operator subject to the provisions of this Section shall install, calibrate, maintain, and operate a continuous monitoring system, except as provided in subsection G of this Section, to monitor and record the opacity of the gases discharged into the atmosphere from any rotary lime kiln. The span of this system shall be set at 70 percent opacity.

G. The owner or operator of any rotary lime kiln using a wet scrubbing emission control device subject to the provisions of this Section shall not be

required to monitor the opacity of the gases discharged as required in subsection F of this Section.

H. The test methods and procedures required by this Section are as follows:

1. The reference methods in the Arizona Testing Manual and 40 CFR 60, Appendix A, shall be used to determine compliance with this Section as follows:

- a. Method 4 and 5 for the measurement of particulate matter.
- b. Method 1 for sample and velocity traverses.
- c. Method 2 for velocity and volumetric flow rate.
- d. Method 3 for gas analysis.
- e. Method 4 for stack gas moisture.
- f. Method 9 for visible emissions.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer.

3. Because of the high moisture content of the exhaust gases from the hydrators, in the range of 40 to 85 percent by volume, the Method 5 sample train may be modified to include a calibrated orifice immediately following the sample nozzle when testing lime hydrators. In this configuration, the sampling rate necessary for maintaining isokinetic conditions can be directly related to exhaust gas velocity without a correction for moisture content. (Ord. 1993-128 § 4, 1993)

#### 17.16.360 Standards of performance for nonferrous metals industry sources.

A. The provisions of this Section are applicable to the following affected facilities: mines, mills, concentrators, crushers, screens, material handling facilities, fine ore storage, dryers, roasters, and loaders.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any process source subject to the provisions of this Section in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum, allowable particulate emission rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

E. No person shall cause, allow or permit to be discharged into the atmosphere

from any dryer or roaster the operating temperature of which exceeds 700° F., reduced sulfur in excess of ten percent of the sulfur entering the process as feed. Reduced sulfur includes sulfur equivalent from all sulfur emissions including sulfur dioxide, sulfur trioxide, and sulfuric acid.

F. The owner or operator of any mining property subject to the provisions of this Section shall record the daily process rates and hours of operation of all material handling facilities.

G. A continuous monitoring system for measurement sulfur dioxide emissions shall be installed, calibrated, maintained and operated by the owner or operator where dryers or roasters are not expected to achieve compliance with the standard under subsection (E) of this Section.

H. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standard prescribed in this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis and calculation of excess air, using the integrated sample technique;
- e. Method 6 for concentration of SO<sub>2</sub>;

2. For Method 5, Method 1 shall be used to select the sampling site and the number of traverse sampling points. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf), except that smaller sampling times or volumes, when necessitated by process variables of other factors, may be approved by the control officer. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature no greater than 160°C. (320°F).

3. For Method 6, the sampling site shall be the same as that selected for Method 5. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft.). For Method 6, the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

4. For Method 6, the minimum sampling time shall be 20 minutes and the minimum sampling volume 0.02 dscm (0.71 dscf) for each sample. The arithmetic mean of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals. (Ord. 1993-128 § 4, 1993)

#### **17.16.370 Standards of performance for gravel or crushed stone processing plants.**

A. The provisions of this Section are applicable to the following affected facilities: primary rock crushers, secondary rock crushers, tertiary rock crushers, screens, conveyors and conveyor transfer points, stackers, reclaimers, and all gravel or crushed stone processing plants and rock storage piles.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere except as fugitive emissions in any one hour from any gravel or crushed stone processing plant in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. Spray bar pollution controls shall be utilized in accordance with "EPA Control of Air Emissions From Process Operations In The Rock Crushing Industry" (EPA 340/1-79-002), "Wet Suppression System" (pages 15-34), amended as of January, 1979 (and no future amendments or editions), as incorporated herein by reference and on file with the Office of the Secretary of State, with placement of spray bars and nozzles as required by the control officer to minimize air pollution.

E. Fugitive emissions from gravel or crushed stone processing plants shall be controlled in accordance with 17.16.070 through 17.16.110.

F. The owner or operator of any affected facility subject to the provisions of this Section shall install, calibrate, maintain, and operate monitoring devices which can be used to determine daily the process weight of gravel or crushed stone produced. The weighing devices shall have an accuracy of  $\pm$  five percent over their operating range.

G. The owner or operator of any affected facility shall maintain a record of daily production rates of gravel or crushed stone produced.

H. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in this Section as follows:

a. Method 4 and 5 for concentration of particulate matter and moisture content.

b. Method 1 for sample and velocity traverses.

c. Method 2 for velocity and volumetric flow rate.

d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume is 0.85 dscm (30 dscf), except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the control officer. Sampling shall not be started until 30 minutes after start-up and shall be terminated before shutdown procedures commence. The owner or operator of the affected facility shall eliminate cyclonic flow during performance tests in a manner acceptable to the control officer. (Ord. 1993-128 § 4, 1993)

#### 17.16.380 Standards of performance for concrete batch plants.

Fugitive dust emitted from concrete batch plants shall be controlled in accordance with 17.16.070 through 17.16.110. (Ord. 1993-128 § 4, 1993)

#### 17.16.400 Organic solvents and other organic materials.

A. No person shall transport or store VOCs without taking necessary and feasible measures to control evaporation, leakage or other discharge into the

atmosphere.

B. Emissions of organic solvents from dry cleaning equipment not using perchloroethylene shall be minimized by applying the following controls:

1. Pipe and hose fittings, flanges, valves, seals, storage-container covers, and other equipment must be serviced and maintained so that no liquid solvent leaks from any portion of the equipment;

2. Solvents must be stored in closed containers whose vents are no larger than the minimum diameter necessary for breathing;

3. Equipment, openings (e.g., washer lint traps, button traps, access doors, and other parts) must be kept closed except as required for proper operation and maintenance;

4. A dry cleaning operation which used chlorinated synthetic solvents other than perchloroethylene shall:

a. Cook the residual diatomaceous earth (in the solvent filter) sufficiently so that the wet material contains no more than twenty-five percent solvent (by weight) before being exposed to the atmosphere,

b. Prevent exposure to the atmosphere of residue from the solvent which contains more than sixty percent solvent by weight, and

c. Drain the cartridge filters for at least twenty-four hours in the filter housing before disposing in accordance with applicable rules for hazardous waste, as the case may apply; and

5. A newly installed dry cleaning system or machine not using perchloroethylene and having a rated capacity of at least thirty pounds must be constructed, operated, and maintained so as to reduce emissions from the washer and dryer exhaust by at least ninety percent.

6. Dry cleaning equipment using perchloroethylene shall comply with the provisions of 40 CFR 63, Subpart M (as amended) and chapter 17.16, Article VII.

C. This subsection applies only to surface coating, solvent surface cleaning, and solvent degreasing, and other operations engaged in the employment or application of organic solvents. The provisions of 40 CFR 52.254, (b) through (n) in effect on July 1, 1993 are hereby adopted by reference and made a part hereof. 40 CFR 52.254 (b) shall apply to new sources only.

1. No person shall conduct any spray paint operation without minimizing organic solvent emissions. Such operations other than architectural coating and spot painting, shall be conducted in an enclosed area equipped with controls containing no less than 96 percent of the overspray.

2. No owner or operator of a facility engaged in the surface coating of miscellaneous metal parts and products may operate a coating application system subject to this Section that emits volatile organic compounds in excess of any of the following:

a. 4.3 pounds per gallon (0.5 kilograms per liter) of coating, excluding water, delivered to a coating applicator that applies clear coatings.

b. 3.5 pounds per gallon (0.42 kilograms per liter) of coating, excluding water delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to 194°F (90°C).

c. 3.5 pounds per gallon (0.42 kilograms per liter) of coating, excluding water, delivered to a coating applicator that applies extreme performance coatings.

d. 3.0 pounds per gallon (0.36 kilograms per liter) of coating,

excluding water, delivered to a coating applicator for all other coatings and coating application systems.

3. If more than one emission limitation in subdivision 2 of this subsection applies to a specific coating, then the least stringent emission limitation shall be applied.

4. All VOC emissions from solvent washings shall be considered in the emission limitations in subdivision 2 of this subsection, unless the solvent is directed into containers that prevent evaporation into the atmosphere.

D. This subsection applies to sources of VOCs not covered by subsections B and C of this section. No person shall operate any process, machine, article, equipment or other contrivance having the capability of emitting more than 2.4 lbs/day of VOCs without reducing actual emissions and concentration through the following:

1. The source operator shall propose RACT for each new applicable source prior to installing or operating the source. The control officer will review and approve/disapprove each proposed RACT on a case by case basis.

E. No person shall store or remediate soil contaminated with organic materials that emits more than 2.4 lbs/day of a regulated air pollutant without reducing actual emissions and concentration through the use of RACT approved by the control officer.

F. This rule does not apply to operations that are specifically covered in 17.16.230 of this Title. (Ord. 1994-83 § 57, 1994; Ord. 1993-128 § 4 (part), 1993; Ord. 1991-136 § 13, 1991; Ord. 1987-175 § 21, 1987; Ord. 1983-196 (part), 1983; Ord. 1979-93 (part), 1979)

#### 17.16.410 Standards of performance for cotton gins.

A. Fugitive dust, lint, bolls, cotton seed or other material emitted from a cotton gin or lying loose in a yard shall be collected and disposed of in an efficient manner or shall be treated in accordance with 17.16.070 through 17.16.110.

B. An opacity of 40 percent or less shall exempt the source from mass emissions testing. In the event that the cotton gin does not comply with the 40 percent opacity standard, the owner or operator may request the permission of the control officer to perform a mass emissions test observed by a representative of the Control Officer. Successful completion of this test will result in an adjustment to the simultaneous opacity standard in accordance with 17.16.130.E.

C. No person shall cause, allow, or permit the discharge of particulate matter into the atmosphere in any one hour from any cotton gin in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 4.10P^{0.67}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 55.0P^{0.11} - 40$$

where "E" and "P" are defined as indicated in subdivision 1 of this

subsection.

D. The test methods and procedures required by this Section are as follows:

1. The reference methods in the Arizona Testing Manual and 40 CFR 60, Appendix A shall be used to determine compliance with this Section as follows:

- a. Method A-2 for the measurement of particulate matter.
- b. Method 1 for sample and velocity traverses.
- c. Method 2 for velocity and volumetric flow rate.
- d. Method 3 for gas analysis.
- e. Method 9 for visible emissions.

2. For Method A-2, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dry standard cubic meters per hour (0.53 dry standard cubic feet per minute), except that shorter sampling times, when necessitated by progress variables or other factors, may be approved by the control officer. (Ord. 1993-128 § 4, 1993; Ord. 1989-165 § 18, 1989; Ord. 1983-196 (part), 1983)

**17.16.420 Standards of performance for ammonium sulfide manufacturing plants.**

A. The provisions of this Section are applicable to the following affected facilities in ammonium sulfide manufacturing plants: sulfide unloading facilities, reactor-absorbers, bubble cap scrubbers, and fume incinerators.

B. No person shall cause, allow or permit to be emitted into the atmosphere, from any type of incinerator or other outlet smoke, fumes, gases, particulate matter or other gas-borne material, the opacity of which exceeds 20 percent.

C. No person shall cause, allow or permit to be emitted into the atmosphere from any emission point from any incinerator, or to pass a convenient measuring point near such emission point, particulate matter of concentrations in excess of 0.08 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12 percent carbon dioxide.

D. No person shall allow hydrogen sulfide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume for any averaging period of 30 minutes or more.

E. The owner or operator of any ammonium sulfide tailgas incinerator subject to the provisions of this Section shall do both of the following:

1. Install, calibrate, maintain, and operate a flow measuring device which can be used to determine either the mass or volume of tailgas charged to the incinerator. The flow measuring device shall have an accuracy of +5 percent over its operating range.

2. Provide access to the tailgas charged so that a well-mixed representative grab sample can be obtained.

F. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis and calculation of excess air, using the integrated sample technique;
- e. Method 11 shall be used to determine the concentration of H<sub>2</sub>S and Method 6 shall be used to determine the concentration of SO<sub>2</sub>.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that shorter sampling times and smaller sample volumes, when necessitated by process variables or other factors, may be approved by the control officer.

3. Particulate matter emissions, expressed in g/dscm, shall be corrected to 12 percent CO<sub>2</sub> by using the following formula:

$$C_{12} = \frac{12C}{\%CO_2}$$

where:

$C_{12}$  = the concentration of particulate matter corrected to 12 percent CO<sub>2</sub>,

$C$  = the concentration of particulate matter as measured by Method 5, and

$\%CO_2$  = the percentage of CO<sub>2</sub> as measured by Method 3, or, when applicable, the adjusted outlet CO<sub>2</sub> percentage.

4. If Method 11 is used, the gases sampled shall be introduced into the sampling train at approximately atmospheric pressure. Where fuel gas lines are operating at pressures substantially above atmosphere, this may be accomplished with a flow control valve. If the line pressure is high enough to operate the sampling train without a vacuum pump, the pump may be eliminated from the sampling train. The sample shall be drawn from a point near the centroid of the fuel gas line. The minimum sampling time shall be 10 minutes and the minimum sampling volume 0.01 dscm (0.35 dscf) for each sample. The arithmetic average of two samples of equal sampling time shall constitute one run. Samples shall be taken at approximately one-hour intervals. For most fuel gases, sample times exceeding 20 minutes may result in depletion of the collecting solution, although fuel gases containing low concentrations of hydrogen sulfide may necessitate sampling for longer periods of time.

5. If Method 5 is used, Method 1 shall be used for velocity traverses and Method 2 for determining velocity and volumetric flow rate. The sampling site for determining CO<sub>2</sub> concentration by Method 3 shall be the same as for determining volumetric flow rate by Method 2. The sampling point in the duct for determining SO<sub>2</sub> concentration by Method 3 shall be at the centroid of the cross section if the cross sectional area is less than 5 m<sup>2</sup> (54 ft<sup>2</sup>) or at a point no closer to the walls than 1 m (3.28 feet) if the cross sectional area is 5 m<sup>2</sup> or more and the centroid is more than one meter from the wall. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The minimum sampling time shall be ten minutes and the minimum sampling volume 0.01 dscm (0.36 dscf) for each sample. The arithmetic average of two samples of equal sampling time shall constitute one run. Samples shall be taken at approximately one-hour intervals. (Ord. 1993-128 § 4, 1993)

#### 17.16.430 Standards of performance for unclassified sources.

A. No existing source which is not otherwise subject to standards of performance under this Article or Chapter 17.16, Article VI or Chapter 17.16, Article VII shall cause or permit the emission of pollutants at rates greater than the following:

1. For particulate matter discharged into the atmosphere in any one hour from any unclassified process source in total quantities in excess of the amounts calculated by one of the following equations:

a. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:



$$E = 3.59P^{0.62}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight in tons-mass per hour.

b. For process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in paragraph a of this subdivision.

2. Sulfur dioxide -- 600 parts per million.

3. Nitrogen oxides expressed as NO(2) -- 500 parts per million.

B. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. No person shall emit gaseous or odorous materials from equipment, operations or premises under his control in such quantities or concentrations as to cause air pollution.

E. No person shall operate or use any machine, equipment or other contrivance for the treatment or processing of animal or vegetable matter, separately or in combination, unless all gaseous vapors and gas entrained effluents from such operations, equipment or contrivance have been either:

1. Incinerated to destruction, as indicated by a temperature measuring device, at not less than 1,200 degrees Fahrenheit if constructed or reconstructed prior to January 1, 1989, or 1600 degrees Fahrenheit with a minimum residence time of 0.5 seconds if constructed or reconstructed thereafter; or

2. Passed through such other device which is designed, installed and maintained to prevent the emission of odors or other air contaminants and which is approved by the control officer.

F. Materials including solvents or other volatile compounds, paints, acids, alkalies, pesticides, fertilizers and manure shall be processed, stored, used and transported in such a manner and by such means that they will not evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution. Where means are available to reduce effectively the contribution to air pollution from evaporation, leakage or discharge, the installation and use of such control methods, devices, or equipment shall be mandatory.

G. Where a stack, vent or other outlet is at such a level that fumes, gas mist, odor, smoke, vapor or any combination thereof constituting air pollution are discharged to adjoining property, the control officer may require the installation of abatement equipment or the alteration of such stack, vent or other outlet by the owner or operator thereof to a degree that will adequately dilute, reduce or eliminate the discharge of air pollution to adjoining property.

H. No person shall allow hydrogen sulfide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume for any averaging period of 30 minutes or more.

I. No person shall cause, allow or permit discharge from any stationary source

carbon monoxide emissions without the use of complete secondary combustion of waste gases generated by any process source.

J. No person shall allow hydrogen cyanide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.3 parts per million by volume for any averaging period of eight hours.

K. No person shall allow sodium cyanide dust or dust from any other solid cyanide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 140 micrograms per cubic meter for any averaging period of eight hours. (Ord. 1994-83 § 58, 1994: Ord. 1993-128 § 4 (part), 1993)

#### 17.16.520 Standards of performance for storage vessels for petroleum liquids.

In addition to 40 CFR 60.110-60.113:

1. Any petroleum liquid storage tank of less than 40,000 gallons (151,412 liters) capacity shall be equipped with a submerged filling device or acceptable equivalent as determined by the control officer for the control of hydrocarbon emissions.

2. All facilities for dock loading of petroleum products having a vapor pressure of 2.0 pounds per square inch absolute, or greater, at loading pressure shall provide for submerged filling or other acceptable equivalent for control of hydrocarbon emissions.

3. All pumps and compressors which handle volatile organic compounds shall be equipped with mechanical seals or other equipment of equal efficiency to prevent the release of organic contaminants into the atmosphere. (Ord. 1993-128 § 4, 1993)

#### Article VIII. New Major Sources and Major Modifications to Existing Major Sources.

##### 17.16.550 General.

A. No person shall commence construction of a new major source or the major modification of a source without first obtaining a permit or a permit revision from the control officer.

B. An application for a permit or permit revision under this Article shall not be considered complete unless the application demonstrates that:

1. The requirements in Subsection C. of this Section are met;

2. The more stringent of the applicable new source performance standards in Article VI or the existing source performance standards in Article IV are applied to the proposed new major source or major modification of a major source;

3. The visibility requirements contained in 17.16.630 are satisfied;

4. All applicable provisions of Chapter 17.12 are met;

5. The new major source or major modification will be in compliance with whatever emission limitation, design, equipment, work practice or operational standard, or combination thereof is applicable to the source or modification.

a. The degree of emission limitation required for control of any pollutant under this Article shall not be affected in any manner by:

(i) Stack height in excess of GEP stack height except as

provided in 17.12.360, or,

(ii) Any other dispersion technique, unless implemented prior to December 31, 1970.

6. The new major source or major modification will not exceed the applicable standards for hazardous air pollutants contained in this Title.

7. The new major source or major modification will not exceed the limitations, if applicable, on emission from nonpoint sources contained in Article III of this chapter.

8. A stationary source that will emit 5 or more tons of lead per year will not violate the ambient air quality standards for lead as contained in 17.08.070.

9. The new major source or major modification will not have an adverse impact on visibility, as determined according to 17.16.630.

C. Except for assessing air quality impacts within Class I areas, the air impact analysis required to be conducted in connection with the filing for a permit shall initially consider only the geographical area located within a fifty (50) kilometer radius from the point of greatest emissions for the new major source or major modification. The control officer (on his own initiative or upon receipt of written notice from any person) shall have the right at any time to request an enlargement of the geographical area for which an air quality impact analysis is to be performed by giving the person applying for the permit or permit revision written notice thereof, specifying the enlarged radius to be so considered. In performing an air impact analysis for any geographical area with a radius of more than fifty (50) kilometers, the person applying for the permit or permit revision may use monitoring or modeling data obtained from major sources having comparable emissions or having emissions which are capable of being accurately used in such demonstration, and which are subjected to terrain and atmospheric stability conditions which are comparable or which may be extrapolated with reasonable accuracy for use in such demonstration.

D. Unless the requirements have been satisfied pursuant to Chapter 17.12, the control officer shall comply with following requirements:

1. Within sixty days after receipt of an application for a permit or permit revision subject to this Article, or any addition to such application, the control officer shall advise the applicant of any deficiency, the date of receipt of the application shall be, for the purpose of this Section, the date on which the control officer received all required information. The permit application shall not be deemed complete if the control officer fails to meet the requirements of this subdivision.

2. A copy of any notice required by 17.12.340 shall be sent to the permit applicant, to the Administrator, and to the following officials and agencies having cognizance over the location where the proposed major source or major modification would occur:

a. The air pollution control officer, if one exists, for the county wherein the proposed or existing source that is the subject of the permit or permit revision application is located;

b. The county manager for the county wherein the proposed or existing source that is the subject of the permit or permit revision application is located;

c. The city or town managers of the city or town which contains, and any city or town the boundaries of which are within five miles of, the location of the proposed or existing source that is the subject of the permit or permit revision;

d. Any regional land use planning agency with authority for land

use planning in the area where the proposed or existing source that is the subject of the permit or permit revision application is located; and

e. Any state, Federal Land Manager, or Indian governing body whose lands may be affected by emissions from the proposed source or modification.

3. The control officer shall take final action on the application within one year of the proper filing of the completed application. The control officer shall notify the applicant in writing of his approval or denial.

4. The control officer shall cancel a permit or permit revision under this Article if the proposed construction or major modification is not begun within 18 months of issuance, or if during the construction or major modification, work is suspended for more than 18 months. (Ord. 1994-83 § 62, 1994: Ord. 1993-128 § 4 (part), 1993)

#### 17.16.560 Permits for sources located in nonattainment areas.

A. Except as provided in subsections C. through G. of this section, no permit or permit revision shall be issued to a person proposing to construct a new major source or make a major modification to a source located in any nonattainment area for the pollutant(s) for which the source is classified as a major source or the modification is classified as a major modification unless:

1. The person demonstrates that the new major source or the major modification will meet an emission limitation which is the lowest achievable emission rate (LAER) for that source for that specific pollutant(s). In determining lowest achievable emission rate for a reconstructed stationary source, the provisions of 40 CFR 60.15(f)(4) shall be taken into account in assessing whether a new source performance standard is applicable to such stationary source.

2. The person demonstrates that all existing major sources owned or operated by that person (or any entity controlling, controlled by, or under common control with that person) in the State are in compliance or on a schedule of compliance with all conditions contained in permits of each of the sources and all other applicable emission limitations and standards under the Act and this Title.

3. The person demonstrates that emission reductions for the specific pollutant(s) from source(s) in existence in the allowable offset area of the new major source or major modification (whether or not under the same ownership) meet the offset and net air quality benefit requirements of 17.16.570.

B. No permit or permit revision under this Article shall be issued to a person proposing to construct a new major source or make a major modification to a major source located in a nonattainment area unless:

1. The person performs an analysis of alternative sites, sizes, production processes and environmental control techniques for such new major source or major modification; and

2. The control officer determines that the analysis demonstrates that the benefits of the new major source or major modification outweigh the environmental and social costs imposed as a result of its location, construction or modification.

C. At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as restriction on hours of operation, then the requirements of this Section shall apply to the source or modification as though construction had not yet commenced on the source or modification.

D. Secondary emissions shall not be considered in determining the potential to emit of a new source or modification and therefore whether the new source or modification is major. However, if a new source or modification is subject to this Section on the basis of its direct emissions, permit or permit revision under this Article to construct the new source or modification shall be denied unless the conditions specified in subdivisions 1. and 2. of Subsection A. of this Section are met for reasonably quantifiable secondary emissions caused by the new source or modification.

E. A permit to construct a new source or modification shall be denied unless the conditions specified in subdivisions 1., 2., and 3. of subsection A. of this Section are met for fugitive emissions caused by the new source or modification. However, these conditions shall not apply to a new major source or major modification that would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source is not either a categorical source or belongs to the category of sources for which New Source Performance Standards under 40 CFR Part 60 or National Emission Standards for Hazardous Air Pollutants under 40 CFR Part 61 were promulgated by the Administrator prior to August 7, 1980.

F. The requirements of A.3. of this Section shall not apply to temporary emission sources, such as pilot plants and portable sources, which are only temporarily located in the nonattainment area, are otherwise regulated by a permit, and are in compliance with the conditions of that permit.

G. A decrease in actual emissions shall be considered in determining the potential of a new source or modification to emit only to the extent that the control officer has not relied on it in issuing any permit or permit revision under this article or the State has not relied on it in demonstrating attainment or reasonable further progress.

H. Within 30 days of the issuance of any permit under this section, the control officer shall submit control technology information from the permit to the Administrator for the purposes listed in section 173(d) of the Act. (Ord. 1994-83 § 63, 1994: Ord. 1993-128 § 4 (part), 1993)

#### **17.16.570 Offset and net air quality benefit standards.**

A. Increased emissions by a major source or major modification subject to this Article shall be offset by reductions in the emissions of each pollutant for which the area has been designated as nonattainment and for which the source or modification is classified as major. Such offset may be obtained by reductions in emissions from the source or modification, or from any other source in existence within the allowable offset area, on the startup date of the new major source or major modification.

1. Credit for an emissions offset can be used only if it has not been relied upon in demonstrating attainment or reasonable further progress, and if it has not been relied upon previously in issuing a permit or permit revision under this Article pursuant to 17.16.550 and 17.16.560 or not otherwise required under this Chapter or under any provision of the SIP.

B. An offset shall not be sufficient unless reductions of total emissions for the particular pollutant for which the offset is required will be:

1. Obtained from sources within the allowable offset area;
2. Contemporaneous with the operation of the new major source or major modification;
3. Less than the baseline of the total emissions for that pollutant, except in ozone nonattainment areas classified as moderate, serious or severe; and

4. Sufficient to demonstrate that emissions from the new major source or major modification, together with the offset, will result in reasonable further progress for that pollutant.

C. In ozone nonattainment areas classified as marginal, total emissions of VOC and oxides of nitrogen from other sources shall offset those proposed or permitted from the major source or major modification by a ratio of at least 1.10 to 1. In ozone nonattainment areas classified as moderate, total emissions of VOC and oxides of nitrogen from other sources shall offset those proposed or permitted from the major source or major modification by a ratio of at least 1.15 to 1. New major sources and major modifications in serious and severe ozone nonattainment areas shall conform to the requirements of this section and 17.16.580.

D. Only intrapollutant emission offsets shall be allowed. Intrapollutant emission offsets for precursors of ozone shall include offset reductions in emissions of volatile organic compounds. Intrapollutant emission offsets for precursors of nitrogen dioxide shall include offset reductions in emissions of oxides of nitrogen.

E. For purposes of this section, "reasonable further progress" means compliance with the schedule of annual incremental reductions in emissions of the applicable air pollutant prescribed by the control officer based on air quality modeling under 17.16.620, to provide for attainment of the applicable air quality standards by the deadlines set under Part D of Title I of the Act, or in an applicable implementation plan.

F. For purposes of this Section, "net air quality benefit" shall mean that during similar time periods either 1. or 2. below, is applicable:

1. A reduction in the number of violations of the applicable Arizona ambient air quality standard within the allowable offset area has occurred and the following mathematical expression is satisfied:

$$\left( \sum_{i=1}^N \frac{x_i - C}{N} \right) \leq \left( \sum_{j=1}^K \frac{x_j - C}{K} \right)$$

C = The applicable Arizona ambient air quality standard

$x_i$  = The concentration level of the violation at the  $i^{\text{th}}$  receptor for such pollutant after offsets.

N = The number of violations for such pollutant after offsets (N ≤ K).

$x_j$  = The concentration level of the violation at the  $j^{\text{th}}$  receptor from such pollutant before offsets.

K = The number of violations for such pollutant before offsets.

2. The average of the ambient concentrations within the allowable offset area following the implementation of the contemplated offsets will be less than the average of the ambient concentrations within the allowable offset area without the offsets.

G. Baseline further defined:

1. For the purpose of this Section, the baseline of total emissions from any sources in existence or sources which have obtained a permit or permit revision under this Article (regardless of whether or not such sources are in actual operation at the time of filing of the permit or permit revision) shall be the total emissions allowed by the regulatory emission limitations in effect at the time the application is filed. In addition, the baseline of total emissions shall consist of all emission limitations included as conditions on Federally enforceable permits except that the offset baseline shall be the actual emissions of the source from which offset credit is obtained where:

a. No emission limitations are applicable to a source from which offsets are being sought; or

b. The demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emissions of sources located within a designated nonattainment area.

2. Where the emission limitations for a particular pollutant allow greater emissions than the actual emission rate of the source for that pollutant, the baseline shall be the actual emission rate at the time the permit or permit revision application under this article is filed and emissions offset credit shall be allowed only for control below the actual emission rate.

H. For an existing fuel combustion source, offset credit shall be based on the allowable emissions under the regulations or permit conditions applicable to the source for the type of fuel being burned at the time the permit or permit revision application under this article is filed. If an existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the actual emissions for the fuels involved shall not be acceptable unless:

1. The permit or permit revision under this Article for the source specifically requires the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date; and,

2. The source demonstrates to the satisfaction of the control officer that it has secured an adequate long-term supply of the cleaner fuel.

I. Offsets shall be made on either a pounds-per-hour, pounds-per-day, or tons-per-year basis, whichever is applicable, when all facilities involved in the emission offset calculations are operating at their maximum expected or allowed production rate and, except as otherwise provided in subsection H. of this section, utilizing the type of fuel burned at the time the permit or permit revision application under this article is filed. A tons-per-year basis shall not be used if the new or modified source or the source offsets is not expected to operate throughout the entire year. No emissions credit may be allowed for replacing one VOC with another VOC of lesser reactivity.

J. Emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels may be credited, provided that the work force to be affected has been notified of the proposed shutdown or curtailment. No offset credit for shutdowns or curtailments shall be provided for emissions reductions that are necessary to bring a source into compliance with RACT or any other standard under an applicable implementation plan. Source shutdowns and curtailments in production or operating hours occurring prior to the date the new major source or major modification application is filed generally may not be used for emissions offset credit except as follows: where an applicant can establish that it shut down or curtailed production after August 7, 1977, or less than one year prior to the date of application for the permit or permit revision under this article, whichever is earlier, and the proposed new major source or major modification is a replacement for the shutdown or curtailment, credit for such shutdown or curtailment may be applied to offset emissions from the new source or modification.

K. The allowable offset area shall refer to the geographical area in which the sources whose emissions are being sought for purposes of offsetting emissions from a new major source or major modification are located. For the pollutants sulfur dioxide, particulate matter and carbon monoxide, the allowable offset area shall be determined by atmospheric dispersion modeling. If the emission offsets are obtained from a source on the same premises or in the immediate vicinity of the new major source or major modification, and the pollutants disperse from substantially the same effective stack height, atmospheric dispersion modeling shall not be required. The allowable offset area for all other pollutants shall be the nonattainment areas for those pollutants within which the new major source or major modification is to be located.

L. An emission reduction may only be used to offset emissions if the reduced level of emissions will continue for the life of the new source or modification and if the reduced level of emissions is federally and legally enforceable. It shall be considered legally enforceable if the following conditions are met by the time such source or modification commences operation:

1. The emission reduction is included as a condition in the permit of the source relied upon to offset the emissions from the new major source or major modification, or in the case of reductions from sources controlled by the applicant, is included as a condition of the permit or permit revision under this Article for the new major source or major modification, or is adopted as a part of these rules or comparable rules and regulations of any other governmental entity or is contractually enforceable by the Department.

2. The permit conditions, regulations, or contractual conditions containing, governing or otherwise describing the emission reduction have been approved by the Administrator for inclusion in the State Implementation Plan adopted pursuant to Section 110 of the Act (Implementation Plans). (Ord. 1994-83 § 64, 1994: Ord. 1993-128 § 4 (part), 1993)

**17.16.580 Special rule for sources of VOC or oxides of nitrogen in ozone nonattainment areas classified as serious or severe.**

A. **Applicability.** The provisions of this section only apply to stationary sources of VOC or oxides of nitrogen in ozone nonattainment areas classified as serious or severe. Unless otherwise provided in this section, all requirements of Chapter 17.12 and Articles III and IV of this Chapter apply.

B. "Significant" means, for the purposes of a major modification of any stationary source of VOC or oxides of nitrogen, any physical changes or changes in the method of operations that results in net increases in emissions of either pollutant by more than 25 tons when aggregated with all other creditable increases in emissions from the source over the prior five consecutive calendar years, including the calendar year in which the increase is proposed. Emissions decreases shall only be creditable if they are simultaneous with the proposed modification.

C. For any stationary source that emits or has the potential to emit less than 100 tons VOC or oxides of nitrogen per year, a significant increase in VOC or oxides of nitrogen from any discrete emitting unit, operation, or other pollutant emitting activity shall constitute a major modification unless the increase in emissions is offset from other units, operations or activities at the source at a ratio of 1.3 to one for the increase in VOC or oxides of nitrogen emissions from such unit, operation or activity within the facility only. If such a change qualifies as a major modification under this section, BACT shall be substituted for LAER. Net emissions increases in VOC or oxides of nitrogen above the internal offset described herein shall be subject to the offset requirements in subsections E. and F. of this Section.

D. For any stationary source that emits or has the potential to emit 100 tons or more of VOC or oxides of nitrogen per year, any significant increase in VOC or oxides of nitrogen emissions from any discrete emitting unit, operation, or other pollutant emitting activity shall constitute a major modification. If the increase in emissions from such modification is offset from other units, operations or activities at the source at a ratio of 1.3 to one for the increase in VOC or oxides of nitrogen emissions from such unit, operation or activity, BACT shall be substituted for LAER. Net emissions increases in VOC or oxides of nitrogen above the internal offset described herein shall be subject to the offset requirements in subsections E. and F. of this Section.

E. For any new major source or major modification which is classified as such because of emissions or potential to emit VOC or oxides of nitrogen in an ozone nonattainment area classified as serious, the increase in emissions of these pollutants from such source or modification shall be offset at a ratio of 1.2 to one. Such offset shall be made in accordance with the provisions of 17.16.570.



F. For any new major source or major modification which is classified as such because of emissions or potential to emit VOC or oxides of nitrogen in an ozone nonattainment area classified as severe, the increase in emissions of these pollutants from such source or modification shall be offset at a ratio of 1.3 to one. If the SIP requires all existing major sources of these pollutants in the nonattainment area to apply BACT, then the offset ratio shall be 1.2 to one. All such offsets shall be made in accordance with the provisions of 17.16.570. (Ord. 1993-128 § 4, 1993)

**17.16.590 Permit requirements for sources located in attainment and unclassifiable areas.**

A. Except as provided in Subsections B. through G. of this section and 17.16.610, Innovative control technology, no permit or permit revision under this Article shall be issued to a person proposing to construct a new major source or make a major modification to a major source that would be constructed in an area designated as attainment or unclassifiable for any pollutant unless the source or modification meets the following conditions:

1. A new major source shall apply best available control technology (BACT) for each pollutant listed in 17.04.340 (221)(a) for which the potential to emit is significant.

2. A major modification shall apply BACT for each pollutant listed in 17.04.340 (221)(a) for which the modification would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

3. For phased construction projects, the determination of BACT shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of each independent phase of the project. At such time the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of BACT for the source.

4. BACT shall be determined on a case by case basis and may constitute application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques, for control of such pollutant. In no event shall such application of BACT result in emissions of any pollutant, which would exceed the emissions allowed by any applicable new source performance standard or national emission standard for hazardous air pollutants under Articles VI and IX of this chapter. If the control officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

5. The person applying for the permit or permit revision under this Article performs an air impact analysis and monitoring as specified in 17.16.600 and such analysis demonstrates that allowable emission increases from the proposed new major source or major modification, in conjunction with all other applicable emission increases or reductions, including secondary emissions, for all pollutants listed in Table 17.08.150, and minor and mobile sources for oxides of nitrogen:

a. Would not cause or contribute to an increase in concentrations of any pollutant by an amount in excess of any applicable baseline concentration in Table 17.08.150 for any attainment or unclassified area; or

b. Would not contribute to an increase in ambient concentrations for a pollutant by an amount in excess of the significance level for such pollutant in any area in which Arizona primary or secondary ambient air quality standards for that pollutant are being violated. A new major source of volatile organic compounds or oxides of nitrogen, or a major modification to a major source of volatile organic compounds or oxides of nitrogen shall be presumed to contribute to violations of the Arizona ambient air quality standards for ozone if it will be located within fifty (50) kilometers of a nonattainment area for ozone. The presumption may be rebutted for a new major source or major modification if it can be satisfactorily demonstrated to the control officer that emissions of volatile organic compounds or oxides of nitrogen from the new major source or major modification will not contribute to violations of the Arizona ambient air quality standards for ozone in adjacent nonattainment areas for ozone. Such a demonstration shall include a showing that topographical, meteorological or other physical factors in the vicinity of the new major source or major modification are such that transport of volatile organic compounds emitted from the source are not expected to contribute to violations of the ozone standards in the adjacent nonattainment areas.

6. Air quality models:

a. All estimates of ambient concentrations required under this Section shall be based on the applicable air quality models, data basis, and other requirements specified in the "Guideline on Air Quality Models (Revised)" (EPA-450/2-78-027R, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, research Triangle Park, N.C. 27711, July 1986), and "Supplement B to the Guideline on Air Quality Models" (U.S. Environmental Protection Agency, September 1990). Both documents shall be referred to hereinafter as "Guideline", and are adopted by reference and on file with the Secretary of State and with the Department.

b. Where an air quality impact model specified in the "Guideline" is inappropriate, the model may be modified or another model substituted. Such a change shall be subject to notice and opportunity for public comment. Written approval of the EPA Administrator shall be obtained for any modification or substitution.

B. The requirements of this Section shall not apply to a new major source or major modification to a source with respect to a particular pollutant if the person applying for the permit or permit revision under this Article demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment for the pollutant.

C. The requirements of this Section shall not apply to a new major source or major modification of a source if such source or modification would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source is not either among the Categorical Sources listed in Chapter 17.04, Article IX or belongs to the category of sources for which New Source Performance Standards under 40 CFR Part 60 or National Emission Standards for Hazardous Air Pollutants under 40 CFR Part 61 promulgated by the Administrator prior to August 7, 1980.

D. The requirements of this section shall not apply to a new major source or major modification to a source when the owner of such source is a nonprofit health or educational institution.

E. The requirements of this Section shall not apply to a portable source which would otherwise be a new major source or major modification to an existing source if such portable source is temporary, is under a permit or permit revision under this Article, is in compliance with the conditions of that permit or permit revision under this Article, the emissions from the source will not impact a Class I area nor an area where an applicable increment is known to be violated, and reasonable notice is given to the control officer prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the control officer not less

than 10 calendar days in advance of the proposed relocation unless a different time duration is previously approved by the control officer.

**F. Special rules applicable to Federal Land Managers:**

1. Notwithstanding any other provision of this Section, a Federal Land Manager may present to the control officer a demonstration that the emissions attributed to such new major source or major modification to a source will have significant adverse impact on visibility or other specifically defined air quality related values of any Federal Mandatory area designated in 17.08.100.B. regardless of the fact that the change in air quality resulting from emissions attributable to such new major source or major modification to a source in existence will not cause or contribute to concentrations which exceed the maximum allowable increases for a Class I area specified in Table 17.08.150. If the control officer concurs with such demonstrations, the permit or permit revision under this Article shall be denied.

2. If the owner or operator of a proposed new major source or a source for which major modification is proposed demonstrates to the Federal Land Manager that the emissions attributable to such major source or major modification will have no significant adverse impact on the visibility or other specifically defined air quality related values of such areas and the Federal Land Manager so certifies to the control officer, the control officer may issue a permit or permit revision under this Article notwithstanding the fact that the change in air quality resulting from emissions attributable to such new major source or major modification will cause or contribute to concentrations which exceed the maximum allowable increases for a Class I area. Such a permit or permit revision under this Article shall require that such new major source or major modification comply with such emission limitations as may be necessary to assure that emissions will not cause increases in ambient concentrations greater than the following maximum allowable increases over baseline concentrations for such pollutants:

		Maximum Allowable Increase (Micrograms per cubic meter)
Sulfur Oxide		
Period of exposure		
Low terrain areas:		
24-hour maximum		36
3-hour maximum		130
High terrain areas:		
24-hour maximum		62
4-hour maximum		221

G. The issuance of a permit or permit revision under this Article in accordance with this Section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

H. At such time that a particular source or modification becomes a major source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this Section shall apply to the source or modification as though construction had not yet commenced on the source or modification. (Ord. 1994-83 § 65, 1994: Ord. 1993-128 § 4 (part), 1993)

**17.16.600 Air quality impact analysis and monitoring requirements.**

A. Any application for a permit or permit revision under this Article to construct a new major source or major modification to a major source shall contain an analysis of ambient air quality in the area that the new major source or major modification would affect for each of the following pollutants:

1. For the new source, each pollutant that it would have the potential to emit in a significant amount;

2. For the modification, each pollutant for which it would result in a significant net emissions increase.

B. With respect to any such pollutant for which no Arizona ambient air quality standard exists, the analysis shall contain all air quality monitoring data as the control officer determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of the pollutant would affect.

C. With respect to any such pollutant (other than non-methane hydrocarbons) for which such a standard does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.

D. In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at least the year preceding receipt of the application, except that, if the control officer determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one year (but not to be less than four months), the data that is required shall have been gathered over at least that shorter period.

E. The owner or operator of a proposed stationary source or modification to a source of volatile organic compounds who satisfies all conditions of 40 CFR 51, Appendix S, Section IV, may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under Subsection B., C., and D. of this section.

F. Post-construction monitoring. The owner or operator of a new major source or major modification shall, after construction of the source or modification, conduct such ambient monitoring as the control officer determines is necessary to determine the effect emissions from the new source or modification may have, or are having, on air quality in any area.

G. Operations of monitoring stations. The owner or operator of a new major source or major modification shall meet the requirements of 40 CFR 58, Appendix B, during the operation of monitoring stations for purposes of satisfying Subsections B. through F. of this section.

H. The requirements of Subsections B. through G. of this section shall not apply to a new major source or major modification to an existing source with respect to monitoring for a particular pollutant if:

1. The emissions increase of the pollutant from the new source or the net emissions increase of the pollutant from the modification would cause, in any area, air quality impacts less than the following amounts:

Pollutant	Concentration	Averaging Time
Carbon Monoxide	575 $\mu\text{g}/\text{m}^3$	8 hour average
Nitrogen dioxide	14 $\mu\text{g}/\text{m}^3$	annual average
PM <sub>10</sub>	10 $\mu\text{g}/\text{m}^3$	24 hour average
Sulfur dioxide	13 $\mu\text{g}/\text{m}^3$	24 hour average
Lead	0.1 $\mu\text{g}/\text{m}^3$	24 hour average
Fluorides	0.25 $\mu\text{g}/\text{m}^3$	24 hour average
Total reduced sulfur	10 $\mu\text{g}/\text{m}^3$	1 hour average
Hydrogen sulfide	0.04 $\mu\text{g}/\text{m}^3$	1 hour average
Reduced sulfur compounds	10 $\mu\text{g}/\text{m}^3$	1 hour average
Ozone	increased emissions of less than 100 tons per year of volatile organic compounds or oxides of nitrogen;	

or,

2. The concentrations of the pollutant in the area that the new source or modification would affect are less than the concentrations listed in subdivision 1. of this subsection.

I. Any application for permit or permit revision under this Article to construct a new major source or major modification to a source shall contain:

1. An analysis of the impairment to visibility, soils and vegetation that would occur as a result of the new source or modification and general commercial, residential, industrial and other growth associated with the new source or modification. The applicant need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

2. An analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the new source or modification. (Ord. 1994-83 § 66, 1994: Ord. 1993-128 § 4 (part), 1993)

#### 17.16.610 Innovative control technology.

A. Notwithstanding the provisions of 17.16.590.A.1., 17.16.590.A.2., and 17.16.590.A.3. the owner or operator of a proposed new major source or major modification may request that the control officer approve a system of innovative control technology rather than the best available control technology requirements otherwise applicable to the new source or modification.

B. The control officer shall approve the installation of a system of innovative control technology if the following conditions are met:

1. The owner or operator of the proposed source or modification satisfactorily demonstrates that the proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;

2. The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under 17.16.590.A.2. by a date specified in the permit or permit revision for the

source. Such date shall not be later than four years from the time of start-up or seven years from permit or permit revision issuance;

3. The source or modification would meet requirements equivalent to those in 17.16.590.A. based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified in the permit or permit revision under this Article.

4. Before the date specified in the permit or permit revision under this Article, the source or modification would not:

a. Cause or contribute to any violation of an applicable State ambient air quality standard; or,

b. Impact any area where an applicable increment is known to be violated.

5. All other applicable requirements, including those for public participation contained in 17.12.340, have been met.

6. The control officer receives the consent of the governors of other affected states.

7. The limits on pollutants contained in 17.08.150 for Class I areas will be met for all periods during the life of the source or modification.

C. The control officer shall withdraw any approval to employ a system of innovative control technology made under this Section if:

1. The proposed system fails by the specified date to achieve the required continuous emissions reduction rate; or,

2. The proposed system fails before the specified date is so as to contribute to an unreasonable risk to public health, welfare, or safety; or,

3. The control officer decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

D. If the new source or major modification fails to meet the required level of continuous emissions reduction within the specified time period, or if the approval is withdrawn in accordance with Subsection C. of this section, the control officer may allow the owner or operator of the source or modification up to an additional three years to meet the requirement for the application of best available control technology through use of a demonstrated system of control. (Ord. 1994-83 § 67, 1994: Ord. 1993-128 § 4 (part), 1993)

#### **17.16.620 Air quality models.**

A. Where the control officer requires a person requesting a permit or permit revision under this Article to perform air quality impact modeling to obtain such permit or permit revision under this Article, the modeling shall be performed in a manner consistent with the "Guideline on Air Quality Models (Revised)".

B. Where the person requesting a permit or permit revision under this Article can demonstrate that an air quality impact model specified in the "Guideline" is inappropriate, the model may be modified or another model substituted. However, before such modification or substitution can occur the control officer shall make a written finding that:

1. No model in the "Guideline" is appropriate for a particular permit or permit revision under this Article under consideration, or,

2. The data base required for the appropriate model in the "Guideline" is not available; and,

3. The model proposed as a substitute or modification is likely to produce results equal or superior to those obtained by models in the "Guideline"; and

4. The model proposed as a substitute or modification has been approved by the Administrator.

C. Use of a modified or substituted model shall be subject to notice and opportunity for public comment pursuant to 17.12.340. (Ord. 1993-128 § 4, 1993)

#### 17.16.630 Visibility protection.

A. For any new major source or major modification subject to the provisions of this title, no permit or permit revision under this Article shall be issued to a person proposing to construct or modify the source unless the applicant has provided:

1. An analysis of the anticipated impacts of the proposed source on visibility in any Class I areas which may be affected by the emissions from that source; and

2. Results of monitoring of visibility in any area near the proposed source for such purposes and by such means as the control officer determines are necessary and appropriate.

B. A determination of an adverse impact on visibility shall be made based on consideration of all of the following factors:

1. The times of visitor use of the area.

2. The frequency and timing of natural conditions in the area that reduce visibility.

3. All of the following visibility impairment characteristics:

- a. Geographic extent.
- b. Intensity.
- c. Duration.
- d. Frequency.
- e. Time of day.

4. The correlation between the characteristics listed in subdivision 3. of this Subsection and the factors described in subdivisions 1. and 2. of this Subsection.

C. The control officer shall not issue a permit or permit revision pursuant to this chapter or chapter 17.12 for any new major source or major modification subject to this title unless the following requirements have been met:

1. The control officer shall notify the individuals identified in subdivision 2. of this Subsection within 30 days of receipt of any advance notification of any such permit or permit revision application under this Article.

2. Within 30 days after receipt of the permit or permit revision application under this Article for a source whose emissions may affect a Class I area, the control officer shall provide written notification of the application to the Federal Land Manager and the federal official charged with direct responsibility for management of any lands within any such area. The notice shall:

a. Include a copy of all information relevant to the permit or permit revision application under this Article,

b. Include an analysis of the anticipated impacts of the proposed source on visibility in any area which may be affected by emissions from the source, and

c. Provide for no less than a 30 day period within which written comments may be submitted.

3. The control officer shall consider any analysis provided by the Federal Land Manager that is received within the comment period provided in Subdivision 2. of this Subsection.

a. Where the control officer finds that the analysis provided by the Federal Land Manager does not demonstrate to the satisfaction of the control officer that an adverse impact on visibility will result in the area, the control officer shall, within the public notice required under 17.12.340, either explain the decision or specify where the explanation can be obtained.

b. When the control officer finds that the analysis provided by the Federal Land Manager demonstrates to the satisfaction of the control officer that an adverse impact on visibility will result in the area, the control officer shall not issue a permit or permit revision under this Article for the proposed major new source or major modification.

4. When the proposed permit decision is made, pursuant to 17.12.160.I., and available for public review, the control officer shall provide the individuals identified in subdivision 2 of this subsection with a copy of the proposed permit decision and shall make available to them any materials used in making that determination. (Ord. 1994-83 § 68, 1994: Ord. 1993-128 § 4 (part), 1993)

**17.16.640 Special rule for non-operating sources of sulfur dioxide in sulfur dioxide nonattainment areas.**

A. If an emissions unit that is a major source of sulfur dioxide located in a sulfur dioxide nonattainment area has not operated for more than 24 consecutive calendar months, it may only be restarted if the owner or operator of such source does all of the following:

1. Demonstrates, according to the air quality impact analysis requirements of 17.16.590.A.5. and 6. that emissions from that unit, including fugitive emissions, will not cause or contribute to a violation of the ambient standard for sulfur dioxide in 17.08.020.

2. Demonstrates that startup of that unit will not require reconstruction; and

3. Submits a startup plan that includes a source testing plan.

B. The demonstration and plan shall be submitted at least 180 days prior to the expected day when the restarting of the non-operating unit will commence. The control officer may request additional information, as necessary to evaluate the submittals. The unit shall not be restarted unless the control officer approves the submittal.

C. If the control officer disapproves a demonstration or plan required in subsection A. of this section, or such demonstration or plan, including additional information requested by the control officer, is not submitted in a timely manner, the source shall be required to obtain a permit pursuant to the requirements for a new major source or major modification as contained in this chapter.

D. The conduct of performance tests that comply with the requirements of 17.12.050 and demonstrate compliance with emission limits prescribed in a permit for that source or an applicable rule shall constitute operation of an emitting



unit for the purposes of this section. (Ord. 1994-83 § 69, 1994: Ord. 1993-128  
§ 4 (part), 1993)

# **ATTACHMENT 6**

**PDEQ PERMIT RULES IDENTIFYING PORTIONS  
TO BE INCLUDED IN THE APPLICABLE SIP FOR  
THE PURPOSES OF NSR MINOR SOURCES**

## Pima County's NSR/PSD SIP Submittal – Minor Sources

### Chapter 17.04

#### **Article III. Incorporated Materials.**

##### **17.04.070 Incorporated Materials. –**

The following documents are incorporated herein by reference and are on file with the control officer:

1. The Arizona Department of Environmental Quality's "Arizona Testing Manual for Air Pollutant Emissions", amended as of May, 1989.
2. The ASTM Test Methods referenced in this Title are those adopted as of the date specified, and all adoption dates occur on or before January 1, 1989.
3. All parts of the CFR referenced in this Title are amended as of June 30, 1988.
4. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987".

##### **17.04.340 Words, phrases, and terms.**

Words, phrases, and terms used in this Title shall have the following meanings except where any narrative portion specifically indicates otherwise:

1. "Acid mist" means sulfuric acid mist as measured in the Arizona Testing Manual and 40 CFR 60, Appendix A.
- ~~2. "A.C.M" means asbestos-containing material.~~
- ~~3. "A.C.R.M" means asbestos-containing roofing materials.~~
4. "Act" or "Clean Air Act" means the Clean Air Act of 1963 (P.L. 88-206; 42 United States Code sections 7401 through 7671) as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549).
- ~~5. "Activity" or "Activities" means any land clearing, land stripping, earthmoving, trenching, road construction, blasting, excavation or storage of contaminated soil, storage of asbestos-containing material at temporary storage facilities in Pima County prior to final landfill disposal, and demolition or renovation of manmade facilities.~~
6. "Actual emissions" means the actual rate of emissions of an air pollutant from an emissions unit, as determined in accordance with paragraphs a through c.

- a. In general, actual emissions as of a particular date shall equal the average rate,

in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The control officer may allow the use of a different time period upon a demonstration that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored or combusted during the selected time period, or by any other method approved by the control officer.

b. If there is inadequate information to determine actual historic emissions (e.g., the source has only been operating for 6 months), the control officer may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

c. For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

7. "ADEQ" means the Arizona Department of Environmental Quality.

~~8. "ADHS" means the Arizona Department of Health Services.~~

9. "Administrator" means the Administrator of the United States Environmental Protection Agency.

10. "Adverse effects to human health" means those effects that result in or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, including adverse effects that are known to be or may reasonably be anticipated to be caused by substances that are acutely toxic, chronically toxic, carcinogenic, mutagenic, teratogenic, neurotoxic or causative of reproductive dysfunction.

11. "Adverse environmental effect" means any significant and widespread adverse effect which may reasonably be anticipated on wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.

~~12. "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a Class I area, as determined according to section 17.16.630.~~

13. "Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.

14. "Affected source" means a source that includes one or more units which are subject to emission reduction requirements or limitations under Title IV of the Act (Acid Deposition Control).

15. "Affected state" means any state whose air quality may be affected by a source applying for a permit, permit revision or permit renewal, and that is contiguous to Arizona; or that is within 50 miles of the permitted source.

~~16. "Affected unit" shall have the meaning given to it in the regulations promulgated under Title IV of the Act (Acid Deposition Control).~~

17. "Afterburner" means an incinerator installed in the secondary combustion chamber or stack for the purpose of incinerating smoke, fumes, gases, unburned carbon, and other combustible material not consumed during primary combustion.

18. ~~"A.H.E.R.A" means the Asbestos Hazard Emergency Response Act.~~

19. "Air contaminant" means smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, or noxious chemicals, or any other material in the outdoor atmosphere other than chemically uncombined, nitrogen, oxygen, carbon dioxide, and water.

20. "Air curtain destructor" means an incineration device designed and used to secure, by means of a fan-generated air curtain, controlled combustion of only wood waste and slash materials in an earthen trench or refractory-lined pit or bin.

21. "Air pollution" or "air pollutant" means the presence in the outdoor atmosphere of one or more air contaminants or combination thereof in sufficient quantities, which either alone or in connection with other substances, by reason of their concentration and duration are or tend to be injurious to human, plant, or animal life; or causes damage to property; or unreasonably interferes with the enjoyment of life or property of a substantial part of a community, or obscures visibility; or which in any way degrades the quality of the ambient air below the standards established by the Board of Supervisors.

22. "Air pollution control equipment" means equipment used to eliminate, reduce or control the emission of air pollutants into the ambient air.

23. "Air quality control region" (AQCR) means an area so designated by the Administrator pursuant to Section 107 of the Act (Air Quality Control Regions) and includes the following regions in Arizona:

a. Maricopa Intrastate Air Quality Control Region which is comprised of the County of Maricopa.

b. Pima Intrastate Air Quality Control Region which is comprised of the County of Pima.

c. Northern Arizona Intrastate Air Quality Control Region which encompasses the counties of Apache, Coconino, Navajo and Yavapai.

d. Mohave-Yuma Intrastate Air Quality Control Region which encompasses the counties of La Paz, Mohave and Yuma.

e. Central Arizona Intrastate Air Quality Control Region which encompasses the counties of Gila and Pinal.

f. Southeast Arizona Intrastate Air Quality Control Region which encompasses the counties of Cochise, Graham, Greenlee and Santa Cruz.

24. "Allowable emissions" means the emission rate of a stationary or portable source

calculated using both the maximum rated capacity of the source, unless the source is subject to federally enforceable limits which restrict the operating rate or hours of operation, and the most stringent of the following:

- a. The applicable new source performance standards or national emission standards for hazardous air pollutants, as contained in Chapter 17.16, Articles VI or VII and in 40 CFR 60 and 61;
- b. The applicable existing source performance standard, as approved for the SIP and contained in Chapter 17.16, Article IV; or,
- c. The emissions rate specified in any federally promulgated rule or federally enforceable permit conditions applicable to the state of Arizona.

25. "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to produce results adequate for the control officer's determination of compliance in accordance with subsection 17.12.040.D.

26. "Ambient air" means that portion of the atmosphere external to buildings to which the general public has access.

27. "Applicable implementation plan" means those provisions of the state implementation plan approved by the Administrator or a Federal implementation plan promulgated in accordance with Title I of the Act (Air Pollution Prevention and Control).

28. "Applicable requirement" means all of the following as they apply to emissions units covered by a Class I or Class II permit (including requirements that have been promulgated or approved by EPA through rule making at the time of issuance but have future-effective compliance dates):

- a. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Act (Air Pollution Prevention and Control) that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52;

- b. Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under Title I, including parts C or D, of the Act (Prevention of Significant Deterioration of Air Quality and Plan Requirements for Nonattainment Areas);

- ~~c. Any standard or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources), including section 111(d);~~

- ~~d. Any standard or other requirement under section 112 of the Act (Hazardous Air Pollutants), including any requirement concerning accident prevention under section 112(r)(7) of the Act;~~

- ~~e. Any standard or other requirement of the acid rain program under Title IV of the Act (Acid Deposition Control) or the regulations promulgated thereunder;~~

~~f. Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act (Inspections, monitoring and entry);~~

g. Any standard or other requirement governing solid waste incineration, under section 129 of the Act (Solid Waste Combustion);

h. Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act (Federal Ozone Measures);

i. Any standard or other requirement for tank vessels, under section 183(f) of the Act (Federal Ozone Measures);

~~j. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act (Air Pollution from Outer Continental Shelf Activities);~~

~~k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act (Stratospheric Ozone Production), unless the Administrator has determined that such requirements need not be contained in a Title V permit; and~~

l. Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act (Prevention of Significant Deterioration of Air Quality), but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act (Permit Requirements and Conditions);

m. and any other requirement established pursuant to this Title or A.R.S. Title 49, chapter 3.

29. "Approved" means approved "by the control officer". Any word implying acceptance, reasoning, or judgment means "by the control officer".

30. "AQCD" means the Pima County Air Quality Control District, operating within the Pima County Department of Environmental Quality (PDEQ).

31. "Architectural coating" means a coating used commercially or industrially for residential, commercial or industrial buildings and their appurtenances; structural steel; and other fabrications such as storage tanks, bridges, beams and girders.

32. "A.R.S" means Arizona Revised Statutes, with standard reference s in this Title by Title and Section, so that A.R.S. 49-101 means Section 101 of Title 49 of the Arizona Revised Statutes.

33. "Arizona Testing Manual" (ATM) means the Arizona Testing Manual for Air Pollutant Emissions.

34. "Asphalt concrete plant" means any facility used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cements. This is limited to facilities, including drum dryer plants that introduce asphalt into the dryer, which employ two or more of the following processes:

- a. A dryer.
- b. Systems for screening, handling, storing, and weighing hot aggregate.
- c. Systems for loading, transferring, and storing mineral filler.
- d. Systems for mixing asphalt concrete.
- e. The loading, transferring, and storage systems associated with emission control

systems.

35. "ASTM" means the American Society for Testing and Materials.

36. "Attainment area" means an area so designated by the Administrator acting pursuant to Section 107 of the Act (Air Quality Control Regions) as having ambient air pollutant concentration equal to or less than national primary or secondary ambient air quality standards for a particular pollutant or pollutants.

37. "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

38. "Best available control technology" (BACT) means an emission limitation, including a visible emissions standard, based on the maximum degree of reduction for each regulated air pollutant which would be emitted from any proposed major stationary source or major modification which the control officer on a case-by-case basis, taking into account energy, environmental and economic impact and other costs, determines to be achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the control officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

39. "Black liquor" means waste liquor from the brown stock washer and spent cooking liquor which have been concentrated in the multiple-effect evaporator system.

40. "Btu" means British thermal unit, which is the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

41. "Building", "structure", "facility" or "installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group which has the same two-digit code, as described in the Standard Industrial Classification Manual, 1972, as amended by the 1987 supplement.



42. "Calcine" means the solid materials produced by a lime plant.

43. "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

44. "Categorical sources" means the following classes of sources:

- a. Coal cleaning plants with thermal dryers;
- b. Kraft pulp mills;
- c. Portland cement plants;
- d. Primary zinc smelters;
- e. Iron and steel mills;
- f. Primary aluminum ore reduction plants;
- g. Primary copper smelters;
- h. Municipal incinerators capable of charging more than 50 tons of refuse per day;
- i. Hydrofluoric, sulfuric, or nitric acid plants;
- j. Petroleum refineries;
- k. Lime plants;
- l. Phosphate rock processing plants;
- m. Coke oven batteries;
- n. Sulfur recovery plants;
- o. Carbon black plants using the furnace process;
- p. Primary lead smelters;
- q. Fuel conversion plants;
- r. Sintering plants;
- s. Secondary metal production plants;
- t. Chemical process plants;
- u. Fossil-fuel boilers, or combination thereof, totaling more than 250 million Btu's per hour heat input;
- v. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- w. Taconite preprocessing plants;
- x. Glass fiber processing plants;
- y. Charcoal production plants;
- z. Fossil fuel-fired steam electric plants and combined cycle gas turbines of more than 250 million Btu's per hour heat input.

~~45. "Category I nonfriable asbestos-containing material" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix A, subpart F, 40 CFR Part 763, section 1, Polarized Light Microscopy.~~

~~46. "Category II nonfriable asbestos-containing material" means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix A, subpart F, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized or reduced to powder by hand pressure.~~

47. "Cause" or "permit" (used as verbs) means to effect by action or participation, or by

command, authority, or force; or allow, make possible, or consent to.

48. "CFR" means the Code of Federal Regulations, with standard references in this Title by Title and Part, so that "40 CFR 51" means "Title 40 of the Code of Federal Regulations, Part 51."

49. "Change in the method of operation" means any change in operations which is not already covered under the terms of the source's permit.

50. "Charge" means the addition of metal bearing materials, scrap, or fluxes to a furnace, converter or refining vessel.

51. "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM D-388-91, (Classification of Coals by Rank).

52. "Combustion" means the burning of matter.

53. "Commence" means, as applied to construction or modification of a source:

a. for purposes other than Title IV of the Act (Acid Deposition Control), that the owner or operator has obtained all necessary preconstruction approval or permits required by federal law and this chapter and has done either of the following:

(i) begun or caused to begin a continuous program of physical on-site construction of the source to be completed within a reasonable time; or

(ii) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

b. for purposes of Title IV of the Clean Air Act (Acid Deposition Control), that the owner or operator has undertaken a continuous program of construction or that an owner or operator has entered into a contractual obligation to undertake and complete within a reasonable time a continuous program of construction.

54. "Complete" means, in reference to an application for a permit or permit revision, that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the control officer from requesting or accepting any additional information.

55. "Concentrate" means enriched copper ore recovered from the froth flotation process.

56. "Concentrate dryer" means any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate a portion of the moisture from the charge, provided less than five percent of the sulfur contained in the charge is eliminated in the facility.

57. "Concentrate roaster" means any facility in which a copper sulfide ore concentrate is heated in the presence of air to eliminate five percent or more of the sulfur contained in the charge.

58. "Condensate stripper system" means a column, and associated condensers, used to strip, with air or steam, total reduced sulfur compounds from condensate streams of various processes within a kraft pulp mill.

59. "Construction" means any physical change or change in the method of operation, including fabrication, erection, installation, demolition, or modification of an emissions unit, which would result in a change in actual emissions.

60. "Contiguous geographical area" means a geographical area owned, leased, or under common control of the same proprietor, in which all portions are in contact by land surfaces and the outside boundary of such area can be circumscribed by a single unbroken boundary line. Such an area is considered contiguous even if it is intersected by a public road, wash, or watercourse.

61. "Continuous monitoring system" or "Continuous emissions monitoring (CEM) system" means the total equipment, required under the emission monitoring provisions in this Title, used to sample and, if applicable, to condition, to analyze, and to provide a permanent record of emission or process parameters.

62. "Control" means air pollution control or control of air pollution emissions.

63. "Control device" means the air pollution control equipment used to remove air contaminants generated by a process source from the effluent gas stream.

64. "Control officer" means the Director of Pima County Department of Environmental Quality who shall serve as the executive head of the Pima County Air Quality Control District, or one of his authorized agents.

65. "Controlled atmosphere incinerator" means one or more refractory-lined chambers in which complete combustion is promoted by recirculation of gases by mechanical means.

66. "Conventional" or "criteria" air pollutant means any pollutant for which the Administrator has promulgated a primary or secondary national ambient air quality standard.

67. "Converter" means any vessel to which copper matte is charged and oxidized to copper.

68. "County" means Pima County, Arizona.

69. "De minimis" means:

a. for the purposes of permit thresholds for non-Title V sources, those emission sources, equipment items, or emission levels which include the following:

(i) With respect to sand and gravel or aggregate classification processes: non-motorized screens.

(ii) With respect to printing press operations: printing press operations where total VOC emissions from all press operations, including cleanup, do not exceed 2.4 pounds per average operating day.

(iii) Pressure tanks and pressurized vessels which are not expected to lose product under normal operation containing liquid propane gas (LPG) or other products regardless of capacity.

(iv) Petroleum liquid storage tanks and delivery vessels with a capacity of less than 250 gallons.

(v) With respect to natural gas fuel burning equipment: any source with an aggregated capacity of less than 2,000,000 BTU per hour. The aggregated capacity shall be calculated by adding only those pieces of equipment rated at 300,000 BTU per hour or higher.

(vi) With respect to fuel burning equipment fired with a fuel other than natural gas or LPG: any source with an aggregated input capacity of less than 500,000 BTU per hour.

(vii) Emergency generators, as defined in this section, or standby motors.

(viii) With respect to surface coating operations: the aggregate of all surface coating operations of a source in which no coated product is heat cured and total VOC emissions do not exceed 2.4 pounds per average operating day.

(ix) With respect to architectural coating operations: operations for which all of the following apply:

(a) the operation is limited to applying coatings used commercially or industrially for residential, commercial, or industrial buildings and their appurtenances;

(b) coatings containing photochemically reactive solvents are not used unless purchased in containers of less than one quart;

(c) no architectural coatings are diluted with photochemically reactive solvents; and

(d) the coating is not done at a central facility.

(x) With respect to solvent degreasing:

(a) The aggregate of all solvent degreasing operations at a source where the total emissions do not exceed 2.4 pounds of VOC per average operating day and 5.5 pounds of other regulated air pollutants per average operating day.

(b) The aggregate of all solvent degreasing units under common ownership at a source where the total emissions do not exceed 2.4 pounds of VOC per average operating day and 5.5 pounds of other regulated air pollutants per average operating day.

(xi) The aggregate of all equipment, processes, or production lines at a facility that have total uncontrolled emissions of less than 2.4 pounds of VOC per average operating day and less than 5.5 pounds of other regulated air pollutants per average operating day.

b. unless otherwise specified in federal or state law, de minimis for purposes of determining whether a physical change or change in the method of operation constitutes a modification shall mean emissions that do not exceed the greater of:

(i) 12 pounds per operating day of total VOCs determined as an annual average;

(ii) 27.5 pounds per operating day of any other regulated air pollutant determined as an annual average; or

(iii) .10% of the source's allowable emissions for that pollutant.

c. In no case shall "de minimis" be construed to mean "significant" as defined in this section or section 18-2-101 of the AAC.

70. "Delivery vessels" means any vehicular mounted container(s) such as railroad tank cars, tanker trucks, tank trailers or any other mobile container used to transport gasoline, petroleum or petroleum distillates.

~~71. "Designated representative" shall have the meaning given to it in section 402(26) of the Act (Definitions) and the regulations promulgated thereunder.~~

72. "Director" means the director of the Arizona Department of Environmental Quality (ADEQ).

73. "Discharge" means the release or escape of an effluent from a source into the atmosphere.

74. "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by any of the following:

a. Using that portion of a stack which exceeds good engineering practice stack height;

b. Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

c. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This shall not include any of the following:

(i) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.

(ii) The merging of exhaust gas streams under any of the following conditions:

(a) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;

(b) Such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant, applying only to the emission limitation for that pollutant; or

(iii) Smoke management in agricultural or silvicultural prescribed burning programs.

(iv) Episodic restrictions on residential woodburning and open burning.

(v) Techniques which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

75. "Dry wash" and "river bed" mean a watercourse having beds, banks, sides and channels through which either waters currently flow, at least periodically, or through which waters flowed, at least periodically, but no longer flow.

76. "Dust" or "Dust emissions" means finely divided solid particulate matter occurring naturally or created by mechanical processing, handling or storage of materials in the solid state.

77. "Dust suppressant" means a material, procedure, work practice, or operation which may be used for suppressing dust, such as landscaping, gravel covering, paving, application of chemicals, or application of sufficient quantities of water.

78. "Effluent" means any air contaminant which is emitted and subsequently escapes into the atmosphere.

79. "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

80. "Emergency generator" and/or "standby motor" means any internal combustion engine used solely as a source of standby power and that is:

a. operated less than 50 hours per year, as evidenced by an installed hour meter or written usage records maintained by the operator; or

b. only used for power when normal power line service fails; or

c. only used for the emergency pumping of water.

This definition does not include internal combustion engines used as standby power due to a voluntary reduction in power by the power company.

81. "Emission" means an air contaminant or gas stream, or the act of discharging an air contaminant or a gas stream, visible or invisible.

82. "Emissions allowable under the permit" means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

83. "Emissions unit" means any part of a stationary or portable source which emits or would have the potential to emit any pollutant subject to regulation under this Title.

84. "Emission standard" or "emission limitation" means a requirement established by the state, a local government, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

85. "Enforceable" means all limitations and conditions which are enforceable by the Administrator.

86. "Environmental Protection Agency (EPA)" means the United States Environmental Protection Agency as established by 40 CFR 1.1, et seq.

87. "Equipment" means any machine, incinerator, activity equipment, device, or other article including pollution control equipment that can or may contribute to or control emissions.

88. "Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated pursuant to section 17.12.040 to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

89. "Excess emissions" or "emissions in excess of an emission limitation" means emissions of an air pollutant in excess of an emission standard as measured by the compliance test method applicable to such emission standard.

90. "Existing source" means either:

a. a source in operation prior to the effective date of this Title, or a source on which the construction or modification has commenced and for which the control officer has granted a permit prior to the effective date of this Title; or

b. for NSPS purposes, "Existing source" may also mean any source which does not have an applicable new source performance standard under Chapter 17.16, Article VI.

91. "Federal Land Manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

92. "Federally enforceable" means:

a. The requirements of the New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants contained in Articles VI and VII of Chapter 17.16.

b. The requirements of such other state or county rules or regulations approved by the Administrator, including the requirements of approved state and county operating and new source review permit programs.

c. The requirements of any applicable implementation plan.

93. "Federally listed hazardous air pollutant" means any air pollutant listed pursuant to section 112(b) of the Act (Hazardous Air Pollutants) and adopted pursuant to A.R.S. section 49-426.03,



Subsection A and not deleted pursuant to that subsection.

94. "Final permit" means the version of a permit issued by the Control Officer after completion of all review required by this Title.

95. "Fixed capital cost" means the capital needed to provide all the depreciable components.

96. "Floating roof" means a storage-vessel cover consisting of a pontoon, single-deck, double-deck, or internal floating solid material which rests upon the surface of and is supported by the liquid contents, and is equipped with a seal to close the space between the edge of the solid material and tank wall.

97. "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

98. "Fuel" means any material which is burned for the purpose of producing energy.

99. "Fuel burning equipment" means any machine, equipment, incinerator, device or other article, except stationary rotating machinery, in which combustion takes place.

100. "Fugitive dust" means fugitive emissions of particulate matter.

101. "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

102. "Fume" means solid particulate matter resulting from the condensation and subsequent solidification of vapors of melted solid materials.

103. "Fume incinerator" means a device similar to an afterburner installed for the purpose of incinerating fumes, gases and other finely divided combustible particulate matter not previously burned.

~~104. "Gasoline" means any petroleum distillate having a Reid vapor pressure greater than or equal to four pounds per square inch.~~

~~105. "General permit" means a permit issued by ADEQ pursuant to A.A.C Title 18, Chapter 2, Article 5 and administered, inspected and enforced by the department pursuant to this title.~~

106. "Good engineering practice (GEP) stack height" means a stack height meeting the requirements described in section 17.12.360.

107. "Haul road" means a road constructed for the principle purpose of hauling construction materials, or to provide access to one or more construction sites, mining activities, or industrial operations.

~~108. "Hazardous air pollutant" (HAP) means any federally listed hazardous air pollutant and any air pollutant that the director has designated as a hazardous air pollutant pursuant to A.R.S. 49-426.04, Subsection A and has not deleted pursuant to A.R.S. 49-426.04, Subsection C.~~

~~109. "Hazardous air pollutant reasonably available control technology" (HAPRACT) means an emissions standard for hazardous air pollutants which the director, acting pursuant to A.R.S. 49-426.06, Subsection C, or the control officer, acting pursuant to A.R.S. 49-480.04, Subsection C, determines is reasonably available for a source. In making the foregoing determination the director or control officer shall take into consideration the estimated actual air quality impact of the standard, the cost of complying with the standard, the demonstrated reliability and widespread use of the technology required to meet the standard, and any non-air quality health and environmental impacts and energy requirements. For purposes of this definition an emissions standard may be expressed as a numeric emissions limitation or as a design, equipment, work practice or operational standard.~~

~~110. "Hazardous Waste" means a hazardous waste as defined in 40 CFR 261, or a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may either:~~

~~a. Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating reversible illness; or~~

~~b. Pose a serious present or potential hazard to human health or the environment if improperly disposed.~~

~~111. "Hazardous Waste Fuel" means hazardous wastes that are burned for energy recovery in an industrial furnace or boiler that is not regulated as a hazardous waste incinerator. Hazardous waste fuel includes fuel produced from hazardous waste by processing, blending, or other treatment.~~

112. "Heat input" means the quantity of heat in terms of Btu's generated by fuels fed into the fuel burning equipment under conditions of complete combustion.

~~113. "Herein" when used anywhere in this Title, refers to the complete set of rules and regulations contained in this Title.~~

114. "High sulfur oil" means fuel oil containing 0.90 percent or more by weight of sulfur.

~~115. "High terrain" means any area having an elevation of 900 feet or more above the base of the stack of a source.~~

116. "Incinerator" means any equipment, machine, device, contrivance or other article, and all appurtenances thereof, used for the combustion of refuse, salvage materials or any other combustible material except fossil fuels, for the purpose of reducing the volume of material other than those used for pollution control.

117. "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

118. "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or act of Congress.

~~119. "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice, or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non air quality environmental impacts.~~

120. "Kraft pulp mill" means any stationary source which produces pulp from wood by cooking or digesting wood chips in a water solution of sodium hydroxide and sodium sulfide at high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.

~~121. "Land stripping", "land clearing activity" or "land stripping activity" means removal of all or any portion of existing vegetation from parcels of land with equipment which plows or scrapes the ground surface.~~

122. "Lead" means elemental lead or alloys in which the predominant component is lead.

123. "Lime hydrator" means a unit used to produce hydrated lime product.

124. "Lime kiln" means a unit used to calcinate lime rock or kraft pulp mill lime mud which consists primarily of calcium carbonate, into quicklime, which is calcium oxide.

125. "Lime plant" includes any plant which produces a lime product from limestone by calcination. Hydration of the lime product is also considered to be part of the source.

126. "Lime product" means any product produced by the calcination of limestone.

127. "Loading facility" means any operation or facility (such as gasoline, petroleum distillates, or petroleum storage tank farms, pipeline terminals, bulk plants or loading docks) where gasoline, petroleum or petroleum distillates are transferred or loaded into delivery vessels or other storage facilities for further distribution.

128. "Low sulfur oil" means fuel oil containing less than 0.90 percent by weight of sulfur.

~~129. "Low terrain" means any area other than high terrain.~~

~~130. "Lowest achievable emission rate" (LAER) means, for any source, the more stringent rate of emissions based on one of the following:~~

~~a. The most stringent emissions limitation which is contained in the SIP of any state for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or,~~

~~b. The most stringent emissions limitation which is achieved in practice by such class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable standards of performance as contained in~~

~~Chapter 17.16 Articles VI and VII.~~

131. "Major modification" means any physical change or change in the method of operation of a major source that would result in a significant net emissions increase of any regulated air pollutant.

a. Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.

b. Any net emissions increase that is significant for oxides of nitrogen shall be considered significant for ozone for ozone nonattainment areas classified as marginal, moderate, serious or severe.

c. For the purposes of this definition the following shall not be considered a physical change or change in the method of operation:

(i) Maintenance, repair and replacement which the control officer determines to be routine.

(ii) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. § 792, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act, 16 U.S.C. §§ 792 - 825r;

(iii) Use of an alternative fuel by reason of an order or rule under Section 125 of the Act (Measures to Prevent Economic Disruption or Unemployment);

(iv) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(v) Use of an alternative fuel or raw material by a stationary source which either:

(a) The source was capable of accommodating before December 12, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, pursuant to 40 CFR 52.21, or under the permitting provisions of this Title; or

(b) The source is approved to use under any permit issued under 40 CFR 52.21, or under the permitting provisions of this Title.

(vi) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, pursuant to 40 CFR 52.21, or under the permitting provisions of this Title.

(vii) Any change in ownership at a stationary source.

132. "Major source" for the purposes of this title shall have the same meaning as defined in A.A.C. R18-2-101.

133. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment, process equipment or a process to operate in a normal manner, but does not include failures that are caused by poor maintenance, careless operations or any other upset condition or equipment breakdown which could have been prevented by the exercise of reasonable care.

~~134. "Material permit condition" shall mean a condition which satisfies all of the following:~~

~~a. The condition is in a permit or permit revision issued by the control officer after the effective date of this section.~~

~~b. The condition is identified within the permit as a material permit condition.~~

~~e. The condition is one of the following:~~

~~(i) An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement.~~

~~(ii) A requirement to install, operate or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required pursuant to the requirements of A.R.S. § 49-426-06.~~

~~(iii) A requirement for the installation or certification of a monitoring device.~~

~~(iv) A requirement for the installation of air pollution control equipment.~~

~~(v) A requirement for the operation of air pollution control equipment.~~

~~(vi) Any opacity standard required by section 111 (Standards of Performance for New Stationary Sources) or Title I, part C or D (Air Pollution Prevention and Control) of the Act.~~

~~d. Violation of the condition is not covered by subsections A through F, or H through J of A.R.S. 49-464 or subsections A through F, or H through J of A.R.S. 49-514.~~

135. "Matte" means a metallic sulfide made by smelting copper sulfide ore concentrate or the roasted product of copper sulfide ores.

136. "Maximum achievable control technology" (MACT) means an emission standard that requires the maximum degree of reduction in emissions of the hazardous air pollutants subject to this Title, including a prohibition on such emissions where achievable, that the control officer, after considering the cost of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements, determines to be achievable by a source to which such standard applies, through application of measures, processes, methods, systems or techniques including measures which:

a. reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications.

b. Enclose systems or processes to eliminate emissions.

c. collect, capture or treat such pollutants when released from a process, stack, storage or fugitive emissions point.

d. are design, equipment, work practice, or operational standards, including requirements for operator training or certification.

e. are a combination of the above.

137. "Metallic particulate" means any solid or vaporous emission containing antimony, beryllium, cadmium, chromium, cobalt, lead, mercury, nickel, phosphorus, or selenium in either elemental form or as part of a compound.

138. "Mining activity" means an activity involving earthmoving operations, including blasting, for the primary purpose of extracting from the earth, minerals such as but not limited to, sand, gravel, overburden, aggregate, limestone, rock, or ore.

139. "Minor source" means a source of air pollution which is not a major source for the purposes of Chapter 17.16, Article VIII and over which the control officer has jurisdiction.

140. "Minor source baseline area" means the air quality control region in which the source is located.

141. "Miscellaneous metal parts and products" for purposes of industrial coating include all of the following:

a. Large farm machinery, such as harvesting, fertilizing and planting machines, tractors, and combines.

b. Small farm machinery, such as lawn and garden tractors, lawn mowers, and rototillers.

c. Small appliances, such as fans, mixers, blenders, crock pots, dehumidifiers, and vacuum cleaners.

d. Commercial machinery, such as office equipment, computers and auxiliary equipment, typewriters, calculators, and vending machines.

e. Industrial machinery, such as pumps, compressors, conveyor components, fans, blowers, and transformers.

f. Fabricated metal products, such as metal covered doors and frames.

g. Any other industrial category which coats metal parts or products under the Code in the "Standard Industrial Classification Manual, 1987" of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (non-electric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries), except all of the following:

- (i) Automobiles and light-duty trucks.
- (ii) Metal cans.
- (iii) Flat metal sheets and strips in the form of rolls or coils.
- (iv) Magnet wire for use in electrical machinery.
- (v) Metal furniture.
- (vi) Large appliances.
- (vii) Exterior of airplanes.
- (viii) Automobile refinishing.
- (ix) Customized top coating of automobiles and trucks, if production is less than 35 vehicles per day.
- (x) Exterior of marine vessels.

142. "Mobile source" means any combustion engine, device, machine or equipment that operates during transport and that emits or generates air contaminants whether in motion or at rest.

143. "Modification" or "modify" means a physical change in or change in the method of operation of a source which increases the actual emissions of any air pollutant emitted by such source by more than any relevant de minimis amount or which results in the emission of any air pollutant not previously emitted by more than such de minimis amount.

144. "Monitoring device" means the total equipment, required under the applicable provisions of this Title, used to measure and record, if applicable, process parameters.

145. "Motor vehicle" means any self-propelled vehicle, such as, but not limited to, the following: truck, car, cycle, bike or buggy designed for transporting persons or property on public highways.

146. "Multiple chamber incinerator" means three or more refractory-lined combustion chambers in series, physically separated by refractory walls and interconnected by gas passage ports or ducts.

147. "Multiple-effect evaporator system" means the multiple-effect evaporators and associated condenser and hotwell used to concentrate the spent cooking liquid that is separated from the pulp.

148. "NAAQS" means national ambient air quality standards.

149. "National ambient air quality standard" means the ambient air pollutant concentration limits established by the administrator pursuant to 42 United States code section 7409.

150. "Necessary preconstruction approvals or permits" means those permits or approvals required under the Act and those air quality control laws and rules which are part of the SIP.

~~151. "NESHAP" means the National Emission Standard for Hazardous Air Pollutants, according to 40 CFR 61.~~

~~152. "NESHAP facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site.~~

~~For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation or building.~~

153. "Net emissions increase" means:

a. The amount by which the sum of subparagraphs (i) and (ii) exceeds zero:

(i) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

(ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:

(i) The date five years before construction on the particular change commences; and

(ii) The date that the increase from the particular change occurs.

c. An increase or decrease in actual emissions is creditable only if the control officer has not relied on it in issuing an permit, which is in effect when the increase in actual emissions from the particular change occurs. In addition, in nonattainment areas, a decrease in actual emissions shall be considered in determining net emissions increase due to modifications only if the county has not relied on it in demonstrating attainment or reasonable further progress.

d. An increase or decrease in actual emissions of sulfur dioxide, nitrogen oxides, or particulate matter which occurs before the applicable baseline date, as described in section 17.08.150, is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

e. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

f. A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins; and,

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(iv) The emissions unit was actually operated and emitted the specific pollutant.



g. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

154. "Neutral sulfite semichemical pulping" means any operation in which pulp is produced from wood by cooking or digesting wood chips in a solution of sodium sulfite and sodium bicarbonate, followed by mechanical defibrating or grinding.

155. "New source" means any source that is not an existing source.

156. "Nitric acid plant" means any facility producing nitric acid 30 to 70 percent in strength by either the pressure or atmospheric pressure process.

157. "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in the Appendices to 40 CFR 60.

158. "Nonattainment area" means an area so designated by the Administrator acting pursuant to Section 107 of the Act (Air Quality Control Regions) as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.

159. "Nonattainment area plan" means an air pollution control plan developed in accordance with 42 United States code sections 7501 through 7515.

~~160. "Non-Neshap facility" means a residential structure containing 3 or 4 units.~~

161. "Nonpoint source" means a source of air contaminants which lacks an identifiable plume or emission point.

162. "NSPS" means new source performance standards.

163. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

~~164. "Open outdoor fire" or "open burning" means combustion in the outdoors of any material, during which the products of combustion are not directed through a flue, chimney, duct, vent, stack, or other restrictive device designed or installed for the principle purpose of discharging the effluent to the atmosphere.~~

165. "Operating day" means any day equipment is operated.

166. "Operation" means any physical or chemical action resulting in the change in location, form, physical properties or chemical character of a material.

167. "Organic materials" means those defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, and ammonium carbonate.

168. "Owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

169. "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

170. "Particulate matter emissions" means all finely divided solid or liquid materials other than uncombined water, emitted to the ambient air as measured by applicable test methods and procedures described in section 17.12.040.

171. "PDEQ" or "Department" means the Pima County Department of Environmental Quality.

~~172. "Permit program costs" means all reasonable (direct and indirect) costs required to develop and administer a permit program, as set forth in 40 CFR, § 70.9(b) (whether such costs are incurred by the permitting authority or other State or local agencies that do not issue permits directly, but that support permit issuance or administration).~~

173. "Permitting authority" means the department or a county department or agency that is charged with enforcing a permit program adopted pursuant to A.R.S. § 49-480, subsection A.

174. "Person" includes any public or private corporation, company, partnership, firm, trust, association or society of persons, the federal government and any of its departments or agencies, the state and any of its agencies, departments or political subdivisions, as well as a natural person.

175. "Petroleum liquids" means any crude petroleum or any finished or intermediate products which are manufactured by crude petroleum processing and finishing operations.

176. "Petroleum product" means any petroleum liquid having a vapor pressure of 1.5 psia or greater, including gasoline manufactured by any process.

177. "Physical change" means any replacement, addition or alteration of equipment that is not already allowed under the terms of the source's permit.

178. "Planning agency" means the organization designated by the governor pursuant to 42 United States Code Section 7504 as having the authority and responsibility of preparing nonattainment area plans.

179. "Plume" means visible effluent.

180. "PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by a reference method contained within 40 CFR 50 Appendix J or by an equivalent method designated in accordance with 40 CFR 53.

181. "PM10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten micrometers emitted to the ambient air as measured by applicable test methods and procedures described in section 17.12.040.

182. "Portable source" means any building, structure, facility or installation subject to regulation pursuant to A.R.S. §49-426 which emits or may emit any air pollutant and is capable of being operated

at more than one location.

183. "Potential to emit" or "potential emission rate" means the maximum capacity of a stationary source to emit pollutant, excluding secondary emissions, under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

184. "Primary ambient air quality standards" means the ambient air quality standards which define levels of air quality necessary, with an adequate margin of safety, to protect the public health, as specified in Chapter 17.08, Article I.

185. "Primary standard attainment date" means the date defined within a nonattainment area plan in accordance with 42 United States code sections 7401 through 7515 and after which date primary national ambient air quality standards may not be violated.

186. "Private driveway" means a road constructed for the sole purpose of gaining access to a one or two-family residence.

~~187. "Private residence" means a one or two family dwelling unit.~~

188. "Process" means one or more operations, including equipment and technology, used in the production of goods or services or the control of by-products or waste.

189. "Process source" means the last operation or process which produces an air contaminant resulting from either:

- a. The separation of the air contaminants from the process material, or
- b. The conversion of constituents of the process materials into air contaminants which is not an air pollution abatement operation.

190. "Process weight" means the total weight of all materials introduced into a source, including fuels, where these contribute to pollution generated by the process.

191. "Process weight rate" means a rate established pursuant to 17.16.130 (F).

192. "Proposed permit" means the version of a permit for which the control officer offers public participation or affected state review under the provisions of Chapter 17.12, Article II.

193. "Proposed final permit" means the version of a Title V permit that the Department proposes to issue and forwards to the Administrator for review under the provisions of Chapter 17.12, Article II.

194. "Quantifiable emission reductions (and increases)" are those for which both the amount and the character of those emissions may be quantified. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, process or production inputs, modeling, or other reasonable measurement practices. Quantification methods shall be credible, workable

and replicable. The method for calculating emissions should be used to measure the emissions both before and after the changes in emission levels, both at the generator and at the user of the emission reduction.

195. "RACT (reasonably available control technology)" means devices, systems process modifications, or other apparatus or techniques that are reasonably available taking into account (1) the necessity of imposing such controls, (2) the social, environmental and economic impact of such controls, and (3) alternative available measures.

196. "Reasonable further progress" means the schedule of emission reductions defined within a nonattainment area plan as being necessary to come into compliance with a national ambient air quality standard by the primary standard attainment date.

197. "Reclaiming machinery" means any machine, equipment device or other article used for picking up stored granular material and either depositing this material on a conveyor or reintroducing this material into the process.

198. "Reconstruction" of sources located in nonattainment areas shall be presumed to have taken place where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new stationary source, as determined in accordance with the provisions of 40 CFR 60.15(f)(1)-(3).

199. "Recovery furnace" means the unit, including the direct-contact evaporator for a conventional furnace, used for burning black liquor to recover chemicals consisting primarily of sodium carbonate and sodium sulfide.

200. "Reference method" means the methods of sampling and analyzing for an air pollutant as described in the Arizona Testing Manual; 40 CFR 50, Appendices A through K; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C.

201. "Regulated air pollutant" means any of the following:

- a. Any conventional air pollutant as defined in A.R.S. § 49-401.01.
- b. Nitrogen oxides and volatile organic compounds.
- c. Any air contaminant that is subject to a standard contained in Chapter 17.16,

Article VI.

d. ~~Any hazardous air pollutant as defined in A.R.S. § 49-401.01.~~

e. ~~Any class I or II substance listed in section 602 of the Act (Listing of Class I and Class II Substances).~~

202. ~~"Regulated asbestos-containing material (RACM)" means:~~

- a. ~~Friable asbestos material;~~

~~b. Category I nonfriable ACM that has become friable,~~

~~c. Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting or abrading, or~~

~~d. Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this title.~~

203. "Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquified petroleum gases, as determined by ASTM D-323-90 (Test Method for Vapor Pressure of Petroleum Products) (Reid Method).

204. ~~"Resource recovery project" means any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse. Only energy conversion facilities that utilize solid waste which provides more than 50 percent of the heat input shall be considered a resource recovery project under this Article.~~

205. ~~"Responsible official" means one of the following:~~

~~a. For a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:~~

~~(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or~~

~~(ii) The delegation of authority to such representatives is approved in advance by the permitting authority;~~

~~b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;~~

~~c. For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this Article, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or~~

~~d. For affected sources:~~

~~(i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Act (Acid Deposition Control) or the regulations promulgated thereunder are concerned; and~~

~~(ii) The designated representative for any other purposes under 40 CFR part~~

70.

206. "Reverberatory smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided primarily by combustion of a fossil fuel.

207. "Road" means a path, trail, driveway, freeway, street, or accessway which is constructed for principle use by vehicular traffic.

208. "Road construction" means the construction of a new roadway or the conversion of an existing unpaved road to a paved road.

209. "Rotary lime kiln" means a unit with an included rotary drum which is used to produce a lime product from limestone by calcination.

210. "Rules and regulations" means the complete set of Pima County air quality control district rules and regulations contained in this Title, including any future revisions, additions, or amendments, specifically referring to this Title and future amendments as distinguished from any former rules and regulations.

211. "Run" means the net period of time during which an emission sample is collected, which may be, unless otherwise specified, either intermittent or continuous within the limits of good engineering practice.

212. "Scrap metal sweater" or "sweater" means a furnace designed to melt metallic scrap for the principle purpose of separating and recovering the metal.

213. "Secondary ambient air quality standards" means the ambient air quality standards which define levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant, as specified in Chapter 17.08, Article I.

214. "Secondary emissions" means emissions which are specific, well defined, quantifiable, occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

215. "Service road" means a road constructed for the principle purpose of providing maintenance or service of/to pipelines, power lines, farmland, public utilities, right-of-way, or refuse collection.

216. "Shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose, except routine phasing out of process equipment.

217. "Significance levels" means the following ambient concentrations for the enumerated pollutants:

Pollutant	Averaging Time				
	Annual	24 Hour	8 Hour	3 Hour	1 Hour
SO <sub>2</sub>	1 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>		25 µg/m <sup>3</sup>	
NO <sub>2</sub>	1 µg/m <sup>3</sup>				
CO			0.5 mg/m <sup>3</sup>		2 mg/m <sup>3</sup>
PM <sub>10</sub>	1 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>			

Except for the annual pollutant concentrations, exceedance of significance levels shall be deemed to occur when the ambient concentrations of the above pollutants is exceeded more than once per year at any one location. If such concentrations occur at a specific location and at a time when Arizona ambient air quality standards for such pollutant is not violated, then the significance level does not apply.

218. "Significant" means:

a. In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant	Emissions Rate (tons per year)
Carbon monoxide	100 tpy
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Particulate matter	25 tpy
PM10	15 tpy
VOC	40 tpy
Lead	0.6 tpy
Fluorides	3 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H <sub>2</sub> S)	10 tpy
Total reduced sulfur (including H <sub>2</sub> S)	10 tpy
Reduced sulfur compounds (including H <sub>2</sub> S)	10 tpy
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.5x10 <sup>-6</sup> tpy
Municipal waste combustor metals (measured as particulate matter)	15 tpy
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tpy

b. In ozone nonattainment areas classified as serious or severe, significant emissions of VOC shall be determined under section 17.16.580.

c. In reference to a regulated air pollutant that is not listed in subparagraph (a), is not a Class I or II substance listed in Section 602 of the Act and is not a hazardous air pollutant according to A.R.S. § 49-401.01(11), any emission rate.

d. Notwithstanding the emission amount listed in paragraph (a), any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers of a Class I area and have an impact on the ambient air quality of such area equal to or greater than  $1 \mu\text{g}/\text{m}^3$  (24-hour average).

219. "Slag" means the fused and vitrified matter separated during the reduction of a metal from its ore.

220. "Smelt dissolving tank" means a vessel used for dissolving the smelt collected from the kraft mill recovery furnace.

221. "Smelter feed" means all materials utilized in the operation of a copper smelter including metals or concentrates, fuels and chemical reagents, calculated as the aggregate sulfur content of all fuels and other feed materials whose products of combustion and gaseous by-products are emitted to the atmosphere.

222. "Smelting" means processing techniques for the smelting of a copper sulfide ore concentrate or calcine charge leading to the formation of separate layers of molten slag, molten copper, or copper matte.

223. "Smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided by an electric current, rapid oxidation of a portion of the sulfur contained in the concentrate as it passes through an oxidizing atmosphere, or the combustion of a fossil fuel.

224. "Smoke" means particulate matter resulting from incomplete combustion.

225. "Solvent degreasing" means the removal of loosely held uncured adhesives, uncured ink, uncured coatings and contaminants which include dirt, soil and grease from parts, products, tools, machinery, equipment, and general work areas using a solvent that contains 2% by weight or more of a regulated air pollutant.

226. "Solvent degreasing unit" means any single container with a capacity of two gallons or more used for solvent degreasing.

227. "Source" means any building, structure, facility or installation that may cause or contribute to air pollution or the use of which may eliminate, reduce or control the emission of air pollution.

228. "Source operator" means an originator, owner or operator, or lessee of an emission source.

229. "Spot painting" means:

a. any spray painting for the purpose of lettering, stenciling, or identifying containers or similar work, or



b. any painting using a spray can, or

c. any spray painting where less than 50% of the total surface area of the object is coated and the total surface area coated is less than 16 square feet.

230. "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

231. "Stack emissions" means emissions which enter the air by passing through a vent, stack, flue, or other similar containing or restrictive device designed or installed for the principle purpose of discharging the effluent.

232. "Stack in existence" means that the owner or operator had either:

a. Begun, or caused to begin, a continuous program of physical on-site construction of the stack, or

b. Entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

233. "Standard conditions" means a temperature of 293°K (68°F or 20°C) and a pressure of 101.3 kilopascals (29.92 inches Hg or 1013.25 mb).

234. "Start-up" means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.

235. "State" means the state of Arizona unless the context indicates otherwise.

236. "State implementation plan" (SIP) means the plan adopted by the state of Arizona which provides for implementation, maintenance, and enforcement of such primary and secondary ambient air quality standards as are adopted by the Administrator, pursuant to the Act.

237. "Stationary rotating machinery" means any gas engine, diesel engine, gas turbine, or oil fired turbine operated from a stationary mounting and used for the production of electric power or for the direct drive of other equipment.

238. "Stationary source" means any building, structure, facility or installation subject to regulation which emits or may emit any air pollutant.

239. "Submerged fill pipe" means a fill pipe or nozzle which extends below the surface of liquid in the receiving vessel for at least ninety-five percent of the volume filled, or a similar device which extends to within six inches of the bottom of the receiving vessel.

240. "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized as a means of preventing emissions of sulfur dioxide or other sulfur compounds to the atmosphere.

241. "Supplementary control system" (SCS) means a system by which sulfur dioxide emissions are curtailed during periods when meteorological conditions conducive to ground-level concentrations in excess of ambient air quality standards for sulfur dioxide either exist or are anticipated.

~~242. "Surplus" means emission reductions not required by current regulations in the SIP; not already relied upon for SIP planning purposes; and not used by the source to meet any other regulatory requirement, including, at the ERC's time of use, RACT, RFP or milestones, or demonstration of attainment.~~

243. "Temporary source" means a source which is portable, as defined in A.R.S. § 49-401.01(23) and which is not an affected source.

~~244. "Title V source" means~~

~~a. any major source;~~

~~b. any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources);~~

~~c. any source, including an area source, subject to a standard or other requirement under section 112 of the Act (Hazardous Air Pollutants);~~

~~d. any affected source; and~~

~~e. any source in a source category designated by the Administrator pursuant to 40 CFR 70.~~

245. "Total reduced sulfur" (TRS) means the sum of the sulfur compounds, primarily hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during the kraft pulping operation and other operations and measured by Method 16 in 40 CFR 60, Appendix A.

246. "Total suspended particulate" (TSP) means all particulate matter as measured by the reference method described in 40 CFR 50, Appendix B, plus any particulate matter from fugitive emissions quantified by methods approved by the control officer.

247. "Unclassified area" means an area which the Administrator, because of a lack of adequate data, is unable to classify as an attainment or nonattainment area for a specific pollutant, and which, for purposes of this Title, is treated as an attainment area.

248. "Uncombined water" means condensed water containing analytical trace amounts of other chemical elements or compounds.

249. "Unpaved road" means a road which is not covered with dust-suppressing materials and maintained in such a manner that visible emissions of dust from the road surface are permanently prevented other than during times of normal cleaning and/or after flooding.

250. "Urban or suburban open area" means an unsubdivided tract of land surrounding a substantial urban development of a residential, industrial, or commercial nature and which, though near

or within the limits of a city or town, may be uncultivated, used for agriculture, or lie fallow.

~~251. "Used Oil" means oil that has been refined from crude oil and that has been contaminated by physical or chemical impurities as a result of use.~~

~~252. "Used Oil Fuel" means used oil that is to be burned for energy recovery, including fuel which is produced from used oil by processing, blending or other treatment.~~

253. "Vacant lot" means a subdivided residential or commercial lot which contains no buildings or structures of a temporary or permanent nature.

254. "Vapor" means the gaseous form of a substance normally occurring in a liquid or solid state.

255. "Vapor pressure" means the pressure exerted by the gaseous form of a substance in equilibrium with its liquid or solid form.

256. "Vapor recovery/disposal system" means a system which consists of one of the following:

a. A system which processes the displaced vapors and either recovers or disposes of the vapors being processed so as to prevent an emission rate greater than 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere.

b. A vapor handling system which directs at least ninety-five percent by weight of the displaced vapors to a vapor capture and/or recovery system.

c. Other equipment of an efficiency equal to or greater than paragraph a or b of this subdivision and approved by the control officer.

257. "Visibility impairment" means any humanly perceptible change in visibility from that which would have existed under natural conditions.

258. "Visible emissions" means any emissions which are visually detectable without the aid of instruments and which contain particulate matter.

259. "Volatile organic compounds (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound other than the following:

- a. Methane;
- b. Ethane;
- c. Methylene chloride (dichloromethane);
- d. 1,1,1-trichloroethane (methyl chloroform);
- e. 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113);
- f. Trichlorofluoromethane (CFC-11);
- g. Dichlorodifluoromethane (CFC-12);
- h. Chlorodifluoromethane (CFC-22);

- i. Trifluoromethane (FC-23);
- j. 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
- k. Chloropentafluoroethane (CFC-115);
- l. 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
- m. 1,1,1,2-tetrafluoroethane (HFC-134a);
- n. 1,1-dichloro 1-fluoroethane (HCFC-141b);
- o. 1-chloro 1,1-difluoroethane (HCFC-142b);
- p. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- q. Pentafluoroethane (HFC-125);
- r. 1,1,2,2-tetrafluoroethane (HFC-134);
- s. 1,1,1-trifluoroethane (HFC-143a);
- t. 1,1-difluoroethane (HFC-152a); and
- u. perfluorocarbon compounds which fall into these classes:
  - (i) Cyclic, branched, or linear, completely fluorinated alkanes;
  - (ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
  - (iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
  - (iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

260. "Wood waste burner" means an incinerator designed and used exclusively for the burning of wood wastes consisting of wood slabs, scraps, shavings, barks, sawdust or other wood material, including those that generate steam as a by-product.

#### **17.04.420 Applicable implementation plan; savings.**

No rule adopted in this title shall preempt or nullify any applicable requirement or emission standard in an applicable implementation plan unless the control officer revises the applicable implementation plan in conformance with the requirements of 40 CFR Part 51, subpart F, and the Administrator approves the revision. (Ord. 1994-83 § 3, 1994)

### Chapter 17.08

#### **17.08.020 Sulfur Oxides.**

A. The primary ambient air quality standards for sulfur oxides measured as sulfur dioxide using the reference method described in 40 CFR 50, appendix A, or by an equivalent method, are:

- 1. 80 micrograms per cubic meter (0.03 parts per million), annual arithmetic mean; and
- 2. 365 micrograms per cubic meter (0.14 parts per million), maximum 24-hour concentration not to be exceeded more than once per year.

B. The secondary ambient air quality standard for sulfur dioxide is 1300 micrograms per cubic meter (0.5 parts per million) maximum 3-hour concentration not to be exceeded more than once per year. (Ord. 1993-128 § 2, 1993)

#### **17.08.030 Particulate Matter (PM<sub>10</sub>).**

A. The primary and secondary 24-hour ambient air quality standards for particulate matter are 150 micrograms per cubic meter, 24-hour average concentration. The standards are attained when the expected number of days per calendar year with a 24 hour concentration above 150 micrograms per cubic meter, as determined in accordance with 40 CFR 50, appendix K, is equal to or less than one.

B. The primary and secondary annual ambient air quality standards for particulate matter are 50 micrograms per cubic meter, annual arithmetic mean. The standard is attained when the expected annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, appendix K, is less than or equal to 50 micrograms per cubic meter.

C. For the purpose of determining attainment of the primary and secondary ambient air quality standards, particulate matter shall be measured in the ambient air as PM<sub>10</sub> (particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers) by:

1. A reference method based on 40 CFR 50, appendix J, and designated in accordance with 40 CFR 53, or
2. An equivalent method designated in accordance with 40 CFR 53. (Ord. 1993-128 § 2, 1993)

#### **17.08.040 Carbon Monoxide.**

A. The primary ambient air quality standards for carbon monoxide are:

1. Nine (9) parts per million [ten (10) milligrams per cubic meter] for an 8-hour average concentration not to be exceeded more than once per year, and
2. Thirty-five (35) parts per million [forty (40) milligrams per cubic meter] for a one-hour average concentration not to be exceeded more than once per year.

B. The levels of carbon monoxide in the ambient air shall be measured by:

1. A reference method based on 40 CFR 50, appendix C, and designated in accordance with 40 CFR 53, or
2. An equivalent method designated in accordance with 40 CFR 53. (Ord. 1993-128 § 2, 1993)

#### **17.08.050 Ozone.**

A. The primary and secondary ambient air quality standards for ozone are 0.12 parts per million (235 micrograms per cubic meter) for a one-hour concentration.

B. The standards are attained when the expected number of days per calendar year with maximum

hourly concentrations above 0.12 parts per million (235 micrograms per cubic meter) is equal to or less than one (1), as determined by 40 CFR 50, appendix H.

C. The levels of ozone in the ambient air shall be measured by a reference method based on 40 CFR 50, appendix D, and designated in accordance with 40 CFR 53. (Ord. 1993-128 § 2, 1993)

#### **17.08.060 Nitrogen Dioxide.**

A. The primary and secondary ambient air quality standards for nitrogen dioxide are 0.053 parts per million (100 micrograms per cubic meter), annual arithmetic mean concentration.

B. The standards are attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 parts per million, rounded to three decimal places (fractional parts equal to or greater than 0.0005 must be rounded up). To demonstrate attainment, an annual mean shall be based upon hourly data that are at least seventy-five percent complete or upon data derived from manual methods that are at least seventy-five percent complete for the scheduled sampling days in each calendar quarter.

C. The levels of nitrogen dioxide in the ambient air shall be measured by:

1. A reference method based on 40 CFR 50, appendix F, and designated in accordance with 40 CFR 53, or

2. An equivalent method designated in accordance with 40 CFR 53. (Ord. 1993-128 § 2, 1993)

#### **17.08.070 Lead.**

A. The primary and secondary ambient air quality standards for lead and its compounds are 1.5 micrograms per cubic meter, maximum arithmetic mean averaged over a calendar quarter.

B. The levels of lead and its compounds in the ambient air shall be measured as elemental lead by:

1. A reference method based on 40 CFR 50, appendix G, and designated in accordance with 40 CFR 53, or

2. An equivalent method designated in accordance with 40 CFR 53. (Ord. 1993-128 § 2, 1993)

### **Article II. Ambient Air Quality Monitoring and Procedures.**

#### **17.08.080 Ambient air quality monitoring methods and procedures.**

A. Only those methods which have been either designated by the Administrator as reference or

equivalent methods shall be used to monitor ambient air.

B. Quality assurance, monitor siting, and sample probe installation procedures shall be in accordance with procedures described in the Appendices to 40 CFR 58. (Ord. 1993-128 § 2, 1993; )

#### **17.08.090 Interpretation of ambient air quality standards and evaluation of air quality data.**

A. Unless otherwise specified, interpretation of all ambient air quality standards contained in this Title shall be in accordance with 40 CFR 50.

B. The evaluation of air quality data in terms of procedure, methodology, and concept is to be consistent with methods described in 40 CFR 50. (Ord. 1993-128 § 2, 1993)

### **Article III. Classification Requirements for Attainment Areas.**

#### **17.08.100 Designation and classification of attainment areas.**

A. All attainment and unclassified areas or parts thereof shall be classified as either Class I, Class II or Class III.

B. All of the following areas which were in existence on August 7, 1977, shall be Class I areas irrespective of attainment status and shall not be redesignated:

1. International parks.
2. National wilderness areas which exceed 5,000 acres in size.
3. National memorial parks which exceed 5,000 acres in size.
4. National parks which exceed 6,000 acres in size.

C. The following areas shall be designated only as Class I or II:

1. An area which as of August 7, 1977, exceeds 10,000 acres in size and is one of the following:

- a. A national monument.
- b. A national primitive area.
- c. A national preserve.
- d. A national recreational area.
- e. A national wild and scenic river.
- f. A national wildlife refuge.
- g. A national lakeshore or seashore.

2. A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

D. All other areas shall be Class II areas unless redesignated under subsections E or F of this Section.

E. The Governor or the Governor's designee may request that the Administrator redesignate areas of the state as Class I or Class II, provided that the following requirements are fulfilled:

1. At least one public hearing is held in or near the area affected;
2. Other states, Indian governing bodies and Federal Land Managers, whose land may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing.
3. A discussion document of the reasons for the proposed redesignation including a description and analysis of health, environmental, economic, social and energy effects of the proposed redesignation is prepared by the Governor or the Governor's designee. The discussion document shall be made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing shall contain appropriate notification of the availability of such discussion document.
4. Prior to the issuance of notice respecting the redesignation of an area which includes any Federal lands, the Governor or the Governor's designee has provided written notice to the appropriate Federal Land Manager and afforded the Federal Land Manager adequate opportunity, not in excess of 60 days, to confer with the state respecting the redesignation and to submit written comments and recommendations. The Governor or the Governor's designee shall publish a list of any inconsistency between such redesignation and such recommendations, together with the reasons for making such redesignation against the recommendation of the Federal Land Manager, if any Federal Land Manager has submitted written comments and recommendations.

5. The redesignation is proposed after consultation with the elected leadership of local governments in the area covered by the proposed redesignation.

6. The redesignation is submitted to the Administrator as a revision to the SIP.

F. The Governor or the Governor's designee may request that the Administrator redesignate areas of the state as Class III if all of the following criteria are met:

1. Such redesignation meets the requirements of subsection E of this Section.
2. Such redesignation has been approved after consultation with the appropriate committee of the legislature if it is in session or with the leadership of the legislature if it is not in session.
3. The general purpose units of local government representing a majority of the residents of the area to be redesignated concur in the redesignation.
4. Such redesignation shall not cause, or contribute to, concentration of any air pollutant which exceeds any maximum allowable increase or maximum allowable concentration permitted under the classification of any area.
5. For any new major source or a major modification of such source which may be permitted to be constructed and operated only if the area in question is redesignated as Class III, any



permit application or related materials shall be made available for public inspection prior to a public hearing.

6. The redesignation is submitted to the Administrator as a revision to the SIP.

G. A redesignation shall not be effective until approved by the Administrator as part of an applicable implementation plan.

H. Lands within the exterior boundaries of Indian reservations may be redesignated only by the appropriate Indian governing body. (Ord. 1994-83 § 4, 1994: Ord. 1993-128 § 2 (part), 1993)

#### **17.08.150 Limitation of pollutants in classified attainment areas.**

A. Areas designated as Class I, II, or III shall be limited to the increases in air pollutant concentrations shown in Table 17.08.150 occurring over the baseline concentration, provided that for any period other than an annual period, the applicable maximum allowable increase may be exceeded once per year at any one location.

B. The baseline concentration shall be that ambient concentration level which exists in the baseline area at the time of the applicable minor source baseline date.

1. The major source baseline date is:

- a. January 6, 1975 for sulfur dioxide and particulate matter; and
- b. February 8, 1988 for nitrogen dioxide.

2. The minor source baseline date shall be the earliest date after August 7, 1977 for sulfur dioxide and particulate matter, and February 8, 1988 for nitrogen dioxide, that either:

a. A major source as defined in Chapter 17.04, Article IX, or a major modification submits a complete permit application to the Administrator under 40 CFR 52.21; or

b. A major source as defined in Chapter 17.04, Article IX, or a major modification submits a complete permit application to the control officer under Chapter 17.12, Article II.

3. A baseline concentration shall be determined for each pollutant for which there is a minor source baseline date and shall include both:

a. The actual emissions representative of sources in existence on the minor source baseline date, except as provided in paragraph 4 of this subsection; and

b. The allowable emissions of major sources as defined in Chapter 17.04, Article IX, which commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

4. The following shall not be included in the baseline concentration and shall affect the

applicable maximum allowable increase:

a. Actual emissions from any major source as defined in Chapter 17.04, Article IX, on which construction commenced after the major source baseline date; and

b. Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

C. The baseline date shall be established for each pollutant for which maximum allowable increases or other equivalent measures have been established if both:

1. The area in which the proposed source or modification would construct is designated as attainment or unclassifiable for the pollutant on the date of its complete application under either subsection B.2. a or b; and

2. In the case of a major source as defined in Chapter 17.04, Article IX, the pollutant would be emitted in significant amounts, or in the case of a major modification, there would be a significant net emissions increase of the pollutant.

D. The baseline area shall be any area, within any intrastate area designated as attainment or unclassifiable, in which the major source as defined in Chapter 17.04, Article IX, or a major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than  $1 \mu\text{g}/\text{m}^3$  (annual average) of the pollutant for which the minor source baseline date is established. Area redesignations under 17.08.100 cannot intersect or be smaller than the area of impact of any new major source as defined in Chapter 17.04, Article IX, or a major modification which either:

1. Establishes a minor source baseline date; or

2. Is subject to either 40 CFR 52.21 or Chapter 17.16, Article VIII, and would be constructed in Arizona.

E. The maximum allowable concentration of any air pollutant in any area to which subsection (A) of this Section applies shall not exceed a concentration for each pollutant equal to the concentration permitted under the ambient air quality standards contained in Article I of this Chapter.

F. For purposes of determining compliance with the maximum allowable increases in ambient concentrations of an air pollutant, the following concentrations of such pollutant shall not be taken into account:

1. Concentration of such pollutant attributable to the increase in emissions from major and stationary sources which have converted from the use of petroleum products, or natural gas, or both, by reason of a natural gas curtailment order which is in effect under the provisions of Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. § 792, over the emissions from such sources before the effective date of such order;

2. The concentration of such pollutant attributable to the increase in emissions from major and stationary sources which have converted from using gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, 16 U.S.C. §§ 792 - 825r, over the emissions from such

sources before the effective date of the natural gas curtailment plan;

3. Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary activities of a new or altered source;

4. The increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration; and

5. Concentrations attributable to the temporary increase in emissions of sulfur dioxide, nitrogen oxides or particulate matter from major sources as defined in Chapter 17.04, Article IX, when the following conditions are met:

a. The permit issued to such sources specifies the time period during which the temporary emissions increase of sulfur dioxide, nitrogen oxides or particulate matter would occur. Such time period shall not be renewable and shall not exceed two years unless a longer period is specifically approved by the control officer.

b. No emissions increase shall be approved which would either:

(i) Impact any portion of any Class I area or any portion of any other area where an applicable incremental ambient standard is known to be violated in that portion; or

(ii) Cause or contribute to the violation of a state ambient air quality standard.

c. The permit issued to such sources specifies that at the end of the time period described in paragraph a of this subdivision, the emissions levels from the sources would not exceed the levels occurring before the temporary emissions increase was approved.

6. The exception granted with respect to increment consumption under subdivisions 1 and 2 of subsection F shall not apply more than five years after the effective date of the order or natural gas curtailment plan on which the exception is based.

G. If the control officer or the Administrator determines that the SIP is substantially inadequate to prevent significant deterioration or that an applicable maximum allowable increase as specified in subsection (A) of this Section is being violated, the SIP shall be revised to correct the inadequacy or the violation. The SIP shall be revised within 60 days of such a finding by the control officer or within 60 days following notification by the Administrator, or by such later date as prescribed by the Administrator after consultation with the control officer.

H. The control officer shall review the adequacy of the SIP on a periodic basis and within 60 days of such time as information becomes available that an applicable maximum allowable increase is being violated. (Ord. 1993-128 § 2, 1993)

**Table 17.08.150  
Air Pollutant Concentration Increase Limits**

<b>Class I Areas</b>		
<b>Pollutant</b>	<b>Applicable Standard</b>	<b>Maximum Allowable Increase (<math>\mu\text{g}/\text{m}^3</math>)</b>
PM <sub>10</sub>	Annual Arithmetic Mean	<u>4</u>
PM <sub>10</sub>	24-hour Maximum	<u>8</u>
SO <sub>2</sub>	Annual Arithmetic Mean	<u>2</u>
SO <sub>2</sub>	24-hour Maximum	<u>5</u>
SO <sub>2</sub>	3-hour Maximum	<u>25</u>
NO <sub>2</sub>	Annual Arithmetic Mean	<u>2.5</u>
<b>Class II Areas</b>		
<b>Pollutant</b>	<b>Applicable Standard</b>	<b>Maximum Allowable Increase (<math>\mu\text{g}/\text{m}^3</math>)</b>
PM <sub>10</sub>	Annual Arithmetic Mean	17
PM <sub>10</sub>	24-Hour Maximum	30
SO <sub>2</sub>	Annual Arithmetic Mean	20
SO <sub>2</sub>	24-Hour Maximum	91
SO <sub>2</sub>	3-Hour Maximum	512
NO <sub>2</sub>	Annual Arithmetic Mean	25
<b>Class III Areas</b>		
<b>Pollutant</b>	<b>Applicable Standard</b>	<b>Maximum Allowable Increase (<math>\mu\text{g}/\text{m}^3</math>)</b>
PM <sub>10</sub>	Annual Arithmetic Mean	34
PM <sub>10</sub>	24-hour Maximum	60
SO <sub>2</sub>	Annual Arithmetic Mean	40
SO <sub>2</sub>	24-Hour Maximum	182
SO <sub>2</sub>	3-Hour Maximum	700
NO <sub>2</sub>	Annual Arithmetic Mean	50
(Ord. 1993-128 § 2, 1993)		

## **Chapter 17.12**

### **17.12.040 Test methods and procedures.**

A. Except as otherwise specified in this Chapter, the applicable procedures and testing methods contained in the Arizona Testing Manual; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C shall be used to determine compliance with the requirements established in this Title or contained in permits issued pursuant to this Title.

B. Except as otherwise provided in this subsection the opacity of visible

emissions shall be determined by Reference Method 9 of the Arizona Testing Manual. A permit may specify a method, other than Method 9, for determining the opacity of emissions from a particular emissions unit, if the method has been promulgated by the Administrator in 40 CFR 60, Appendix A.

C. Except as otherwise specified in this Chapter, the heat content of solid fuel shall be determined according to ASTM method D-3176-89, (Practice for Ultimate Analysis of Coal and Coke) and ASTM method D-2015-91, (Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter).

D. Except for ambient air monitoring and emissions testing required under Chapter 17.16, Articles VI and VII, alternative and equivalent test methods in any test plan submitted to the control officer may be approved by the control officer for the duration of that plan provided that the following three criteria are met:

1. The alternative or equivalent test method measures the same chemical and physical characteristics as the test method it is intended to replace.

2. The alternative or equivalent test method has substantially the same or better reliability, accuracy, and precision as the test method it is intended to replace.

3. Applicable quality assurance procedures are followed in accordance with the Arizona Testing Manual, 40 CFR 60 or other methods approved by the control officer. (Ord. 1993-128 § 3, 1993)

#### **17.12.050 Performance tests.**

A. Sources required to conduct performance tests pursuant to this Title shall do so within 60 days after the source has achieved the capability to operate at its maximum production rate on a sustained basis but no later than 180 days after initial start-up of such source and at such other times as may be required by the control officer, the owner or operator of such source shall conduct performance tests and furnish the control officer a written report of the results of the tests.

B. Performance tests shall be conducted and data reduced in accordance with the test method and procedures contained in the Arizona Testing Manual unless the control officer:

1. Specifies or approves, in specific cases, the use of a reference method with minor changes in methodology,

2. Approves the use of an equivalent method,

3. Approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, or

4. Waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the control officer's satisfaction that the source is in compliance with the standard.

5. Nothing in this Section shall be construed to abrogate the control officer's authority to require testing.

C. Performance tests shall be conducted under such conditions as the control officer shall specify to the plant operator based on representative performance of the source. The owner or operator shall make available to the control officer such records as may be necessary to determine the conditions of the performance tests. Operations during periods of start-up, shutdown, and malfunction shall not constitute representative conditions of performance tests unless otherwise specified in the applicable standard.

D. The owner or operator of a permitted source shall provide the control officer two weeks prior notice of the performance test to afford the control officer the opportunity to have an observer present.

E. The owner or operator of a permitted source shall provide, or cause to be provided, performance testing facilities as follows:

1. Sampling ports adequate for test methods applicable to such facility.
2. Safe sampling platform(s).
3. Safe access to sampling platform(s).
4. Utilities for sampling and testing equipment.

F. Each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs is required to be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the control officer's approval, be determined using the arithmetic means of the results of the two other runs. If the control officer, or the control officer's designee, is present, tests may only be stopped with the control officer's, or such designee's, approval. If the control officer, or the control officer's designee, is not present, tests may only be stopped for good cause, which includes forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the operator's control. Termination of testing without good cause after the first run is commenced shall constitute a failure of the test.

G. Except as provided in Subsection (H), compliance with the emission limits established in this title or as prescribed in permits issued pursuant to this title shall be determined by the performance tests specified in this Section or in the permit.

H. In addition to performance tests specified in this Section, compliance with specific emission limits may be determined by:

1. Opacity tests.
2. Emission limit compliance tests specifically designated as such in the regulation establishing the emission limit to be complied with.
3. Continuous emission monitoring, where applicable quality assurance procedures are followed and where it is designated in the permit or in an applicable requirement to show compliance.

I. Nothing in this Section shall be so construed as to prevent the utilization of measurements from emissions monitoring devices or techniques not designated as performance tests as evidence of compliance with applicable good maintenance and operating requirements. (Ord. 1994-83 § 5, 1994: Ord. 1993-128 § 3 (part), 1993)

#### **17.12.060 Existing source emission monitoring.**

A. Every source subject to an existing source performance standard as specified in this title shall install, calibrate, operate, and maintain all monitoring equipment necessary for continuously monitoring the pollutants and other gases specified in this Section for the applicable source category.

1. Applicability.

a. Fossil fuel-fired steam generators as specified in subdivision 1 of subsection C of this Section, shall be monitored for opacity, nitrogen oxides emissions, sulfur dioxide emissions, and oxygen or carbon dioxide.

b. Fluid bed catalytic cracking unit catalyst regenerators, as specified in subdivision 4 of subsection C of this Section, shall be monitored for opacity.

c. Sulfuric acid plants, as specified in subdivision 3 of subsection C of this Section, shall be monitored for sulfur dioxide emissions.

d. Nitric acid plants, as specified in subdivision 2 of subsection C of this Section, shall be monitored for nitrogen oxides emissions.

2. Exemptions.

a. Emission monitoring shall not be required when the source of emissions is not operating.

3. Variations..

a. Unless otherwise prohibited by the Act, the control officer may approve, on a case-by-case basis, alternative monitoring requirements different from the provisions of this Section if the installation of a continuous emission monitoring system cannot be implemented by a source due to physical plant limitations or extreme economic reasons. Alternative monitoring procedures shall be specified by the control officer on a case-by-case basis and shall include as a minimum, annual manual stack tests for the pollutants identified for each type of source in this Section.

b. Alternative monitoring requirements may be prescribed when installation of a continuous monitoring system or monitoring device specified by this Section would not provide accurate determinations of emissions (e.g., condensed, uncombined water vapor may prevent an accurate determination of opacity using commercially available continuous monitoring systems).

c. Alternative monitoring requirements may be prescribed when the affected facility is infrequently operated (e.g., some affected facilities may operate less than one month per year).

4. Monitoring system malfunction: A temporary exemption from the monitoring and reporting requirements of this Section may be provided during any period of monitoring system malfunction, provided that the source owner or operator demonstrates that the malfunction was unavoidable and is being repaired expeditiously.

B. Installation and performance testing required under this Section shall be completed and monitoring and recording shall commence within 18 months of the effective date of this Section.

C. Minimum monitoring requirements:

1. Fossil-fuel fired steam generators: Each fossil-fuel fired steam generator, except as provided in the following paragraphs, with an annual average capacity factor of greater than 30 percent, as reported to the Federal Power Commission for calendar year 1976, or as otherwise demonstrated to the Department by the owner or operator, shall conform with the following monitoring requirements when such facility is subject to an emission standard for the pollutant in question.

a. A continuous monitoring system for the measurement of opacity which meets the performance specifications of this Section shall be installed, calibrated, maintained, and operated in accordance with the procedures of this Section by the owner or operator of any such steam generator of greater than 250 million Btu per hour heat input except where:

(i) Gaseous fuel is the only fuel burned, or

(ii) Oil or a mixture of gas and oil are the only fuels burned and the source is able to comply with the applicable particulate matter and

opacity rules without utilization of particulate matter collection equipment, and where the source has never been found to be in violation through any administrative or judicial proceedings, or accepted responsibility for any violation of any visible emission standard.

b. A continuous monitoring system for the measurement of sulfur dioxide which meets the performance specifications of this Section shall be installed, calibrated, using sulfur dioxide calibration gas mixtures or other gas mixtures approved by the control officer, maintained and operated on any fossil-fuel fired steam generator of greater than 250 million Btu per hour heat input which has installed sulfur dioxide pollutant control equipment.

c. A continuous monitoring system for the measurement of nitrogen oxides which meets the performance specification of this Section shall be installed, calibrated, using nitric oxide calibration gas mixtures or other gas mixtures approved by the control officer, maintained and operated on fossil-fuel fired steam generators of greater than 1000 million Btu per hour heat input when such facility is located in an air quality control region where the control officer has specifically determined that a control strategy for nitrogen dioxide is necessary to attain the ambient air quality standard specified in 17.08.060, unless the source owner or operator demonstrates during source compliance tests as required by the Department that such a source emits nitrogen oxides at levels 30 percent or more below the emission standard within this title.

d. A continuous monitoring system for the measurement of the percent oxygen or carbon dioxide which meets the performance specifications of this Section shall be installed, calibrated, operated, and maintained on fossil-fuel fired steam generators where measurements of oxygen or carbon dioxide in the flue gas are required to convert either sulfur dioxide or nitrogen oxides continuous emission monitoring data, or both, to units of the emission standard within this title.

2. Nitric acid plants: Each nitric acid plant of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid located in an air quality control region where the control officer has specifically determined that a control strategy for nitrogen dioxide is necessary to attain the ambient air quality standard specified in Chapter 17.08, Article I, shall install, calibrate, using nitrogen dioxide calibration gas mixtures, maintain, and operate a continuous monitoring system for the measurement of nitrogen oxides which meets the performance specifications of this Section for each nitric acid producing facility within such plant.

3. Sulfuric acid plants: Each sulfuric acid plant as defined in section 17.04.340, of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall install, calibrate, using sulfur dioxide calibration gas mixtures or other gas mixtures approved by the control officer, maintain and operate a continuous monitoring system for the measurement of sulfur dioxide which meets the performance specifications of this Section for each sulfuric acid producing facility within such a plant.

4. Fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries: Each catalyst regenerator for fluid bed catalytic cracking units of greater than 20,000 barrels per day fresh feed capacity shall install, calibrate, maintain and operate a continuous monitoring system for the measurement of opacity which meets the performance specifications of this Section for each regenerator within such refinery.

D. Minimum specifications: Owners or operators of monitoring equipment installed to comply with this Section shall demonstrate compliance with the following performance specifications.

1. The performance specifications set forth in Appendix B of 40 CFR 60 are incorporated herein by reference, and shall be used by the control officer to determine acceptability of monitoring equipment installed pursuant to this Section. However where reference is made to the Administrator in Appendix B of 40 CFR 60, the control officer may allow the use of either the state approved



reference method or the federally approved reference method as published in 40 CFR 60. The performance specifications to be used with each type of monitoring system are listed below.

a. Continuous monitoring systems for measuring opacity shall comply with performance specification 1.

b. Continuous monitoring systems for measuring nitrogen oxides shall comply with performance specification 2.

c. Continuous monitoring systems for measuring sulfur dioxide shall comply with performance specification 2.

d. Continuous monitoring systems for measuring oxygen shall comply with performance specification 3.

e. Continuous monitoring systems for measuring carbon dioxide shall comply with performance specification 3.

2. Calibration gases: Span and zero gases should be traceable to National Bureau of Standards reference gases whenever these reference gases are available. Every six months from date of manufacture, span and zero gases shall be reanalyzed by conducting triplicate analyses using the reference methods in Appendix A, Part 60, (Chapter 1, Title 40, CFR as amended: For sulfur dioxide, use Reference Method 6; for nitrogen oxides, use Reference method 7; and for carbon dioxide or oxygen, use Reference Method 3). The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.

3. Cycling time: Time includes the total time required to sample, analyze and record an emission measurement.

a. Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of sampling and analyzing for each successive six-minute period.

b. Continuous monitoring systems for measuring oxides of nitrogen, carbon dioxide, oxygen, or sulfur dioxide shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

4. Monitor location: All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions of process parameter (i.e., oxygen, or carbon dioxide) from the affected facility are obtained. Additional guidance for location of continuous monitoring systems to obtain representative samples are contained in the applicable performance specifications of Appendix B of 40 CFR 60.

5. Combined effluents: When the effluents from two or more affected facilities of similar design and operating characteristics are combined before being released to the atmosphere through more than one point, separate monitors shall be installed.

6. Zero and drift: Owners or operators of all continuous monitoring systems installed in accordance with the requirements of this Section shall record the zero and span drift in accordance with the method prescribed by the manufacturer's recommended zero and span check at least once daily, using calibration gases specified in subsection C of this section as applicable, unless the manufacturer has recommended adjustments at shorter intervals, in which case such recommendations shall be followed; shall adjust the zero span whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in Appendix B of Part 60, Chapter 1, Title 40 CFR are exceeded.

7. Span: Instrument span should be approximately 200 percent of the expected instrument data display output corresponding to the emission standard for the source.

E. Minimum data requirement.

The following paragraphs set forth the minimum data reporting requirements for sources employing continuous monitoring equipment as specified in this Section. These periodic reports do not relieve the source operator from the reporting requirements of 17.12.180.

1. The owners or operators of facilities required to install continuous monitoring systems shall submit to the control officer a written report of excess emissions for each calendar quarter and the nature and cause of the excess emissions, if known. The averaging period used for data reporting shall correspond to the averaging period specified in the emission standard for the pollutant source category in question. The required report shall include, as a minimum, the data stipulated in this subsection.

2. For opacity measurements, the summary shall consist of the magnitude in actual percent opacity of all six-minute opacity averages greater than any applicable standards for each hour of operation of the facility. Average values may be obtained by integration over the averaging period or by arithmetically averaging a minimum of four equally spaced, instantaneous opacity measurements per minute. Any time periods exempted shall be deleted before determining any averages in excess of opacity standards.

3. For gaseous measurements the summary shall consist of emission averages in the units of the applicable standard for each averaging period during which the applicable standard was exceeded.

4. The date and time identifying each period during which the continuous monitoring system was inoperative, except for zero and span checks and the nature of system repair or adjustment shall be reported. The control officer may require proof of continuous monitoring system performance whenever system repairs or adjustments have been made.

5. When no excess emissions have occurred and the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be included in the report.

6. Owners or operators of affected facilities shall maintain a file of all information reported in the quarterly summaries, and all other data collected either by the continuous monitoring system or as necessary to convert monitoring data to the units of the applicable standard for a minimum of two years from the date of collection of such data or submission of such summaries.

F. Data reduction: Owners or operators of affected facilities shall use the following procedures for converting monitoring data to units of the standard where necessary.

1. For fossil-fuel fired steam generators the following procedures shall be used to convert gaseous emission monitoring data in parts per million to g/million cal (lb/million Btu) where necessary.

a. When the owner or operator of a fossil-fuel fired steam generator elects under paragraph d of subdivision 1 of subsection C of this section to measure oxygen in the flue gases, the measurements of the pollutant concentration and oxygen concentration shall each be on a consistent basis (wet or dry).

(i) When measurements are on a wet basis, except where wet scrubbers are employed or where moisture is otherwise added to stack gases, the following conversion procedure shall be used:

$$E_p = C_{ws} F_w \frac{20.9}{20.9(1 - B_{wa}) - \%O_{2ws}}$$

(ii) When measurements are on a wet basis and the water vapor content of the stack gas is determined at least once every fifteen minutes the following conversion procedure shall be used:

$$E_Q = C_{ws} F \frac{20.9}{20.9(1-B_{wa}) - \%O_{2ws}}$$

Note: Use of this equation is contingent upon demonstrating the ability to accurately determine B(ws) such that any absolute error in B(ws) will not cause an error of more than  $\pm 1.5$  percent in the term.

$$\frac{20.9}{20.9(1-B_{wa}) - \%O_{2ws}}$$

(iii) When measurements are on a dry basis, the following conversion procedure shall be used:

$$E_Q = CF \frac{20.9}{20.9 - \%O_{2ws}}$$

b. When the owner or operator elects under C.1.d. of this Section to measure carbon dioxide in the flue gases, the measurement of the pollutant concentration and the carbon dioxide concentration shall each be on a consistent basis (wet or dry) and the following conversion procedure used;

$$E_Q = CF_c \frac{100}{\%CO_2}$$

c. The values used in the equations under F.1. of this section are derived as follows:

$E_Q$  = pollutant emission, g/million cal (lb/million Btu)

$C$  = pollutant concentration, g/dscm (lb/dscf), determined by multiplying the average concentration (ppm) for each hourly period by  $4.16 \times 10^{-5}$  M g/dscm per ppm ( $2.64 \times 10^{-9}$  M lb/dscf per ppm) where M = pollutant molecular weight, g/g-mole (lb/lb-mole), M = 64 for sulfur dioxide and 46 for oxides of nitrogen.

$C_{ws}$  = pollutant concentrations at stack conditions, g/wscm (lb/wscf), determined by multiplying the average concentration (ppm) for each one-hour period by  $4.15 \times 10^{-5}$  M lb/wscm per ppm ( $2.59 \times 10^{-5}$  M lb/wscf per ppm) where M = pollutant molecular weight, g/g mole (lb/lb mole). M = 64 for sulfur dioxide and 46 for nitrogen oxides.

$\%O_2$ ,  $\%CO_2$  = Oxygen or carbon dioxide volume (expressed as percent) determined with equipment specified under D.1.d. of this Section.

$F$ ,  $F_c$  = A factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted (F), a factor representing a ratio of the volume of carbon dioxide generated to the calorific value of the fuel combusted ( $F_c$ ), respectively. Values of F and  $F_c$  are given in § 60.45(f) of Part 60, Chapter 1, Title 40, Code of Federal Regulations.

$F_w$  = A factor representing a ratio of the volume of wet flue gases generated to the caloric value of the fuel combusted. Values of  $F_w$  are given in Reference Method 19 of the Arizona Testing Manual.

$B_{wa}$  = Proportion by volume of water vapor in the ambient air.  
Approval may be given for determination of  $B_{wa}$  by on-site instrumental measurement provided that the absolute accuracy of the measurement technique can be demonstrated to be within  $\pm 0.7$  percent water vapor. Estimation methods for  $B_{wa}$  are given in Reference Method 19 of the Arizona Testing Manual.

$B_{ws}$  = Proportion by volume of water vapor in the stack gas.

2. For sulfuric acid plants as defined in section 17.04.340, the owner or operator shall:

a. Establish a conversion factor three times daily according to the procedures of § 60.84(b) of Chapter 1, Title 40, Code of Federal Regulations;

b. Multiply the conversion factor by the average sulfur dioxide concentration in the flue gases to obtain average sulfur dioxide emissions in Kg/metric ton (lb/short ton); and

c. Report the average sulfur dioxide emission for each averaging period in excess of the applicable emission standard in the quarterly summary.

3. For nitric acid plants the owner or operator shall:

a. Establish a conversion factor according to the procedures of § 60.73(b) of Chapter 1, Title 40, Code of Federal Regulations;

b. Multiply the conversion factor by the average nitrogen oxides concentration in the flue gases to obtain the nitrogen oxides emissions in the units of the applicable standard;

c. Report the average nitrogen oxides emission for each averaging period in excess of applicable emission standard in the quarterly summary.

4. The control officer may allow data reporting or reduction procedures varying from those set forth in this Section if the owner or operator of a source shows to the satisfaction of the control officer that his procedures are at least as accurate as those in this Section. Such procedures may include but are not limited to the following:

a. Alternative procedures for computing emission averages that do not require integration of data (e.g., some facilities may demonstrate that the variability of their emissions is sufficiently small to allow accurate reduction of data based upon computing averages from equally spaced data points over the averaging period).

b. Alternative methods of converting pollutant concentration measurements to the units of the emission standards. (Ord. 1994-83 § 6, 1994: Ord. 1993-128 § 3 (part), 1993)

#### 17.12.070 Quality assurance.

Facilities subject to permit requirements for sampling, testing, or analysis, or as otherwise required by the control officer, shall submit a quality assurance plan to the control officer that meets the requirements of 17.12.040 within twelve months of the effective date of this section. Facilities subject to the requirements of 17.12.060 shall submit a quality assurance plan as specified in the permit. (Ord. 1994-83 § 7, 1994: Ord. 1993-128 § 3 (part), 1993)

#### 17.12.110 Grant or denial of applications.

A. The control officer shall deny a permit or revision if the applicant does not show that every such source is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the

provisions of this Title, Title 49, Chapter 3, Article 3, Arizona Revised Statutes, and the rules adopted by the director.

B. Prior to acting on an application for a permit, the control officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the source described in the application. In the event of such a requirement, the control officer shall notify the applicant in writing of the type and characteristics of such facilities.

C. In acting upon an application for a permit renewal, if the control officer finds that such source has been constructed not in accordance with any prior permit or revision issued pursuant to A.R.S. 49-480.01, he shall require the person to obtain a permit revision or deny the application for such permit. The control officer shall not accept any further application for a permit for such source so constructed until he finds that such source has been reconstructed in accordance with the prior permit or a revision, or a revision to the permit has been obtained.

D. After a decision on a permit or revision, the control officer shall notify the applicant and any person who filed a comment on the permit pursuant to A.R.S. 49-480 or the revision pursuant to A.R.S. 49-480.01 in writing of the decision, and if the permit is denied, the reasons for such denial. Service of this notification may be made in person or by first class mail. The control officer shall not accept a further application unless the applicant has corrected the reasons for the objections specified by the control officer as reasons for such denial.

E. The control officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance. (Ord. 1993-128 § 3, 1993; Ord. 1979-93 (part), 1979)

#### 17.12.140 Applicability; classes of permits.

A. Except as otherwise provided in this article, no person shall commence construction of, ~~operate~~, or make a modification to any source subject to regulation under this Article, without first obtaining a permit or permit revision from the control officer and without complying with all conditions of the permit.

B. There shall be two classes of permits as follows:

1. A Class I permit shall be required for a person to commence construction of ~~or operate~~ any of the following:

a. Any major source.

b. Solid waste incineration units required to obtain a permit pursuant to section 129 (e) of the Act (Solid Waste Combustion).

~~c. An affected source.~~

~~d. Any source in a source category designated by the Administrator pursuant to 40 CFR 70.3 and adopted by the control officer.~~

2. Unless a Class I permit is required, a Class II permit shall be required for:

~~a. A person to commence construction of or modify either of the following:~~

~~(i) A source that emits with controls, or has the potential to emit with controls, ten (10) tons per year or more of any hazardous air pollutant listed under A.R.S. § 49-426.04 (A)(1) or chapter 17.16, article IX or~~

~~twenty five (25) tons per year of any combination of hazardous air pollutants.~~

~~(ii) A source that is within a category designated pursuant to A.R.S. 49-426.05 and that emits, or has the potential to emit, with controls one (1) ton per year or more of a hazardous air pollutant or two and one half (2 1/2) tons per year of any combination of hazardous air pollutants.~~

b. A person to commence construction of ~~or operate~~ any of the following:

~~(i) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources).~~

~~(ii) Any source, including an area source, subject to a standard or other requirement under section 112 of the Act (Hazardous Air Pollutants), except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the Act (Hazardous Air Pollutants).~~

(iii) Any source that emits, without controls, regulated air pollutants not defined as de minimis in 17.04.340 or otherwise exempted herein.

c. A person to make a modification to a source which would cause it to emit, or have the potential to emit, quantities of regulated air pollutants greater than those specified in items i and ii of paragraph a and item iii of paragraph b of this subdivision.

C. Notwithstanding subsections A and B of this Section, the following sources shall not require a permit unless the source is a major source, or unless operation without a permit would result in a violation of the Act:

1. Sources subject to 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.

2. Sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR 61.145.

3. Agricultural equipment used in normal farm operations. "Agricultural equipment used in normal farm operations" does not include equipment that would be classified as a source that would require a permit under Title V of the Act (Permits), or would be subject to a standard under 40 CFR parts 60 or 61.

#### 17.12.150 Transition from installation and operating permit program to unitary permit program.

A. An installation or operating permit issued by the control officer before the effective date of this title, and the authority to operate as provided in Laws 1992, Chapter 299, Section 65, continues in effect until either of the following occurs:

1. The installation or operating permit is terminated by the control officer;

2. The control officer issues or denies a Class I or Class II permit to the source.

B. Unless otherwise required by 17.12.160.C.3. of this Chapter, all sources holding valid installation or operating permits issued by the control officer and that are in existence on the date these rules become effective and requiring Class I permits or Class II permits which are subject to the requirements of Title V of the Act (Permits), shall submit permit applications within 180 days of receipt of written notice from the control officer that an application is required, but in no case may the application be submitted any later than 12 months after the Title V permits program is approved by the Administrator.

C. All sources that are in existence on the date these rules become effective holding valid installation or operating permits issued by the control officer and requiring Class II permits that are not subject to the requirements of Title V of the Act (Permits), shall submit permit applications to the control officer within 180 days of receipt of written notice from the control officer that an application is required.

D. Any source requiring a class I or class II operating permit in existence on the date these rules become effective that holds a valid installation or operating permits issued by the control officer, which has not yet applied for a Class I or II permit pursuant to this Title or which has not yet received a notice from the control officer stating that an application is required, that wishes to make any modification, administrative permit revision or minor permit revision shall be required to apply for the applicable Class I or Class II permit for the entire source within 180 days after applying for the proposed modification or revision. If the source has received a notice from the control officer stating that a Class I or II permit application is required, the source shall comply with the application due date for the entire facility as required by the notice. The control officer shall review the applications for both the modification or revision and the Class I or Class II permit in accordance with the provisions of this Title. In the case of a minor permit revision, the source may commence the proposed change immediately after filing the application pursuant to subsection F or section 17.12.250.

E. Any source in existence on the date these rules become effective holding valid installation or operating permits issued by the control officer, which have not yet applied for a Class I or Class II permit, that wishes to make a significant permit revision shall be required to apply for the applicable Class I or Class II permit for the entire source including the proposed modification. The control officer shall review the application in accordance with the provisions of this title.

F. For sources in existence on the date these rules become effective holding valid installation or operating permits issued by the control officer, the control officer may establish a phased schedule for acting on permit applications received within the first full year after the source becomes subject to obtaining Class I or II permits under this Title. The schedule shall assure that at least one-third of such applications will be acted on annually over a period not to exceed 3 years after such effective date. Based on this schedule the control officer shall approve or disapprove a completed application for a Class I or II permit consistent with the procedures established under this Chapter, and issue or deny the applicable permit within 18 months after the receipt of the application.

G. Sources in existence on the date these rules become effective not holding valid operating or installation permits, and have not applied for a Class I or II permit pursuant to this Title, shall submit applications for the applicable Class I or II permit to the control officer within the following time frames:

1. For sources requiring Class I or II permits subject to the provisions of Title V of the Act (Permits), within 180 days of receipt of written notice from the control officer that an application is required, but in no case any later than 12 months after the source becomes subject to obtaining Title V permits pursuant to this Title;

2. For sources requiring Class II permits not subject to the provisions of Title V of the Act (Permits), within 180 days of receipt of written notice from the control officer that an application is required.

3. For purposes of this subsection written notice shall include, but not be limited to, a written warning, notice of violation, or order issued by the control officer for constructing or operating an emission source without a permit. Such a source shall be considered to be in violation of this Title on each day of operation or each day during which construction continues, until a permit is granted.

H. Sources not in existence prior to the effective date of this Title shall first obtain the applicable Class I or II permit before commencing construction of the source.

I. Any application for an operating permit or an installation permit that is determined to be complete prior to the effective date of these rules but for which no permit has been issued shall be considered complete for the purposes of this Section. In issuing a permit pursuant to such an application, the control officer shall include in the permit all elements addressed in the application and a schedule of compliance for submitting an application for a permit revision to address the elements required to be in the permit that were not included in the operating permit or installation permit application. No later than 6 months after the effective date of these rules, the control officer shall take final action on an operating permit application or an installation permit application determined to be complete prior to the effective date of these rules.

J. Unless otherwise provided, 17.12.230 through 17.12.290 shall apply to sources with permits issued before the effective date of this section.

#### 17.12.160 Permit application processing procedures.

A. Unless otherwise noted, this Section applies to each source requiring a Class I or II permit or permit revision.

B. Standard Application Form and Required Information. To apply for any permit in this Chapter, applicants shall complete the "Standard Permit Application Form" and supply all information required by the "Filing Instructions" as shown in Title 18, Chapter 2, Appendix 1 of the A.A.C. The control officer, either upon the control officer's own initiative or on the request of a permit applicant, may waive a requirement that specific information or data be submitted in the application for a Class II, permit for a particular source if the control officer determines that the information or data would be unnecessary to determine the following:

1. The applicable requirements to which the source may be subject.

2. That the source is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of A.R.S. Title 49, Chapter 3, Article 3 and this title

- ~~3. The fees to which the source may be subject.~~

~~G. Unless otherwise required by 17.12.150.B. through F., a timely application is:~~

- ~~1. For a source, other than a major source, applying for a permit for the first time, one that is submitted within 12 months after the source becomes subject to the permit program.~~

- ~~2. For purposes of permit renewal, a timely application is one that is submitted at least 6 months, but not greater than 18 months prior to the date of permit expiration.~~

- ~~3. For initial phase II acid rain permits under Title IV of the Act, one that is submitted to the control officer by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.~~

- ~~4. Any existing source which becomes subject to a standard promulgated by the Administrator pursuant to section 112(d) of the Act (Hazardous Air Pollutants) shall, within twelve months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.~~

D. If an applicable implementation plan allows the determination of an



alternate emission limit, a source may, in its application, propose an emission limit that is equivalent to the emission limit otherwise applicable to the source under the applicable implementation plan. The source shall also demonstrate that the equivalent limit is quantifiable, accountable, enforceable and subject to replicable compliance determination procedures.

E. A complete application is one that satisfies all of the following:

1. To be complete, an application shall provide all information required pursuant to subsection B. of this Section (standard application form section), except that applications for permit revision need supply such information only if it is related to the proposed change. ~~A responsible official shall certify the submitted information consistent with subsection H. of this section (section on certification of truth, accuracy, and completeness).~~

2. An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Chapter 17.16, Article VIII. If the applicant determines that the proposed new source is a major source as defined in section 17.04.340, or the proposed permit revision constitutes a major modification as defined in section 17.04.340, then the application shall comply with all applicable requirements of Chapter 17.16, Article VIII.

~~3. An application for a new permit or a permit revision shall contain an assessment of the applicability of the requirements established pursuant to A.R.S. 49-426.03 and 426.06. If the applicant determines that the proposed new source permit or permit revision is subject to the requirements of A.R.S. 49-426.03 or 49-426.06, the application shall comply with all applicable requirements promulgated under those sections.~~

4. Except for proposed new major sources or major modifications subject to the requirements of Chapter 17.16, Article VIII, an application for a new permit, a permit revision, or a permit renewal shall be deemed to be complete unless within 60 days of receipt of the application, the control officer notifies the applicant by certified mail that the application is not complete.

5. If, while processing an application that has been determined or deemed to be complete, the control officer determines that additional information is necessary to evaluate or take final action on that application, the control officer may request such information in writing, delivered by certified mail and set a reasonable deadline for a response. Except for minor permit revisions as set forth in 17.12.250, a source's ability to operate without a permit, as set forth in this Article, shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the control officer. If the control officer notifies an applicant that the application is not complete under subdivision 3 of this subsection, the application may not be deemed automatically complete until an additional 60 days after the next submittal by the applicant. The control officer may, after one submittal by the applicant pursuant to this subdivision, reject an application that is determined to be still incomplete and shall notify the applicant of the decision by certified mail. After a rejection under this subdivision, the control officer may deny or revoke an existing permit, as applicable.

6. The completeness determination shall not apply to revisions processed through the minor permit revision process.

7. Activities which are insignificant shall be listed in the application. The application need not provide emissions data regarding insignificant activities. For purposes of this subdivision, insignificant activities shall include the following:

- a. landscaping;
- b. building maintenance;
- c. janitorial activities;

d. manually operated equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of ceramic art work, precision parts, leather, metals, plastics, fiber board, masonry, carbon, glass or wood;

e. use of consumer office products;

f. any activity in an emission unit that has aggregated emissions less than 2.4 lbs. per operating day of total VOCs determined as an annual average or 5.5 lbs. per operating day of any other regulated air pollutant determined as an annual average; and

g. any other activity which the Control Officer determines is not necessary, because of its emissions due to size or production rate, to be included in an application in order to determine all applicable requirements and to calculate any fee under this title.

If the control officer determines that an activity listed as insignificant is not insignificant, the control officer shall notify the applicant in writing and specify additional information required. No activity may be considered insignificant if the activity triggers any applicable requirement or if the emissions from the activity exceed 11 lbs per operating day of a regulated air pollutant or 2.4 lbs per operating day of HAPs.

8. If a permit applicant requests terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements, the permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable.

~~F. A source applying for a Title V permit that has submitted information with an application under a claim of confidentiality pursuant to A.R.S. § 49-432 and 17.12.170 shall submit a copy of such information directly to the Administrator.~~

G. Duty to Supplement or Correct Application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.

~~H. Certification of Truth, Accuracy, and Completeness. Any application form, report, or compliance certification submitted pursuant to this Title shall contain certification by a responsible official of truth accuracy, and completeness. This certification and any other certification required under this title shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.~~

I. Action on Application.

1. The control officer shall issue or deny each permit according to the provisions of A.R.S. 49-481. The control officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.

2. In addition, a permit may be issued, revised, or renewed only if all of the following conditions have been met:

a. The application received by the control officer for a permit, permit revision, or permit renewal shall be complete according to subsection E of this Section.

b. Except for revisions qualifying as administrative or minor under 17.12.240 and 17.12.250, all of the requirements for public notice and participation under 17.12.340 shall have been met.

c. For Title V permits, the control officer shall have complied with the requirements of 17.12.190 for notifying and responding to affected States, and if applicable, other notification requirements of 17.16.550.D.2. and 17.16.630.C.2.

d. For Class I and II permits, the conditions of the permit shall require compliance with all applicable requirements.

~~e. For permits for which an application is required to be submitted to the Administrator under 17.12.190.A and to which the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from PDEQ, the control officer has revised and submitted a proposed final permit in response to the objection and EPA has not objected to this proposed final permit.~~

~~f. For permits to which the Administrator has objected to issuance pursuant to a petition filed under 40 CFR 70.8(d), the Administrator's objection has been resolved.~~

3. The control officer may issue a notice of termination of a permit issued pursuant to this Chapter if:

a. The control officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.

b. The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.

c. The terms and conditions of the permit have been or are being violated.

4. If the control officer issues a notice of denial or termination of a permit under this Section, the notice shall be served on the applicant or permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the denial or revocation and a statement that the permit applicant or permittee is entitled to a hearing.

5. The control officer shall provide a statement that sets forth the legal and factual basis for the proposed permit conditions including references to the applicable statutory or regulatory provisions. The control officer shall send this statement to the Administrator in the case of Title V permits, and to any other person who requests it.

6. Except as provided in 40 CFR 70.4(b)(11), 17.12.150 and 17.16.550, regulations promulgated under Title IV or V of the Act (Acid Deposition Control or Permits), or the permitting of affected sources under the acid rain program, the control officer shall take final action on each permit application (and request for revision or renewal) as follows:

a. For sources permitted only for petroleum liquid storage vessels that do not exceed a 40,000 gallon capacity, within six months after receiving a complete application;

b. For sources permitted only for natural gas burning equipment, within six months after receiving a complete application;

c. For sources permitted only for asphalt kettles, within six months after receiving a complete application;

d. For sources permitted only for surface coating operations where

solvent usage is less than 5 gallons per average operating day, within six months after receiving a complete application;

e. For sources other than those listed above that use only one type of equipment listed in Table 17.12.550B, within nine months after receiving a complete application;

f. For all other sources, within 18 months after receiving a complete application.

7. Priority shall be given by the control officer to taking action on applications for construction or modification submitted pursuant to Title I, Parts C and D of the Act (Prevention of Significant Deterioration and Nonattainment Areas).

8. A proposed permit decision shall be published within 9 months of receipt of a complete application and any additional information requested pursuant to subdivision (E)(5) of this Section to process the application. The control officer shall provide notice of the decision as provided in 17.12.340 and any public hearing shall be scheduled as expeditiously as possible.

~~J. Requirement for a Permit. Except as noted under the provisions in 17.12.230 and 17.12.250, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a properly issued permit. However, if a source submits a timely and complete application for permit issuance, revision or renewal, the source's failure to have a permit is not a violation of this Article until the control officer takes final action on the application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the control officer, any additional information identified as being needed to process the application.~~

#### 17.12.170 Public records; confidentiality.

A. The control officer shall make all permits, including all elements required to be in the permit pursuant to 17.12.180, available to the public. No permit shall be issued unless the information required by 17.12.180 is present in the permit.

B. Any records, reports or information obtained from any person under this title, including records, reports or information obtained or prepared by the control officer or a county employee, shall be available to the public, except that the information or any part of the information shall be considered confidential on either of the following:

1. A showing, satisfactory to the control officer, by any person that the information or a part of the information if made public would divulge the trade secrets of the person.

2. A determination by the county attorney that disclosure of the information or a particular part of the information would be detrimental to an ongoing criminal investigation or to an ongoing or contemplated civil enforcement action under this chapter in superior court.

C. Notwithstanding subsection B of this section, the following information shall be available to the public:

1. The name and address of any permit applicant or permittee.

2. The chemical constituents, concentrations and amounts of any emission of any air contaminant.

3. The existence or level of a concentration of an air pollutant in the environment. (Ord. 1994-83 § 14, 1994: Ord. 1993-128 § 3 (part), 1993)

**17.12.180 Permit contents.**

A. Each permit issued shall include the following elements:

1. The date of issuance and the permit term.

2. Enforceable emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of issuance.

a. The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

b. The permit shall state that, where an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.

c. Any permit containing an equivalency demonstration for an alternative emission limit submitted pursuant to 17.12.160.D shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

d. The permit shall specify applicable requirements for fugitive emission limitations, regardless of whether the source category in question is included in the list of sources contained in the definition of major source in section 17.04.340.

3. Each permit shall contain the following requirements with respect to monitoring:

a. All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to sections 114(a)(3) or 504(b) of the Act (Inspections, Monitoring and Entry or Permit Requirements and Conditions);

b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit as reported pursuant to subdivision A.4 of this section. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and

c. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

4. With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:

a. Records of required monitoring information that include the following:

- (i) The date, place as defined in the permit, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The name of the company or entity that performed the analyses;
- (iv) A description of the analytical techniques or methods used;
- (v) The results of such analyses;

- (vi) The operating conditions as existing at the time of sampling or measurement; and
- (vii) Chain of custody.

b. Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

5. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

a. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. ~~All required reports shall be certified by a responsible official consistent with 17.12.160.H and 17.12.210.A.5.~~

b. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Notice in accordance with paragraph (E)(3)(d) of this section shall be considered prompt for purposes of this paragraph.

~~6. A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act (Acid Deposition Control) or the regulations promulgated thereunder.~~

~~a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.~~

~~b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to non-compliance with any other applicable requirement.~~

~~c. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Act (Acid Deposition Control).~~

~~d. Any permit issued pursuant to the requirements of this Chapter and Title V of the Act (Permits) to a unit subject to the provisions of Title IV of the Act (Acid Deposition Control) shall include conditions prohibiting all of the following:~~

- ~~(i) Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide held by the owners or operators of the unit or the designated representative of the owners or operators.~~
- ~~(ii) Exceedances of applicable emission rates.~~
- ~~(iii) The use of any allowance prior to the year for which it was allocated.~~
- ~~(iv) Contravention of any other provision of the permit.~~

7. A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.

8. Provisions stating the following:

a. The permittee shall comply with all conditions of the permit. The permit shall contain all applicable requirements of federal and Arizona air quality statutes, and federal, state and Pima County air quality rules. ~~Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for a permit termination, revocation and reissuance, or revision, or for denial of a permit renewal application.~~

~~b. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.~~

c. The permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

d. The permit does not convey any property rights of any sort, or any exclusive privilege.

e. The permittee shall furnish to the control officer, within a reasonable time, any information that the control officer may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the control officer copies of records required to be kept by the permit. For information claimed to be confidential, the permittee shall furnish a copy of such records directly to the Administrator along with a claim of confidentiality.

~~f. For any major source operating in a non-attainment area for any pollutant(s) for which the source is classified as a major source, the source shall comply with reasonably available control technology.~~

~~9. A provision to ensure that the source pays fees to the control officer pursuant to A.R.S. 49-426.E and Article VI of this chapter.~~

10. A provision stating that no permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit. This provision shall not apply to emissions trading between sources as provided in the applicable implementation plan.

11. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the control officer. Such terms and conditions:

a. Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;

b. Shall extend the permit shield described in 17.12.310 to all terms and conditions under each such operating scenario; and

c. Shall ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this title.

12. Terms and conditions, if the permit applicant requests them, as approved by the control officer, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

a. Shall include all terms required under subsections A and C of this section to determine compliance;

b. May extend the permit shield described in subsection D of this section to all terms and conditions that allow such increases and decreases in emissions;

c. Shall not include trading involving emission units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emission trades; and

d. Shall meet all applicable requirements and requirements of this title.

13. Terms and conditions, if the permit applicant requests them and they are approved by the control officer, setting forth intermittent operating scenarios including potential periods of downtime. If such terms and conditions are included, the state's emissions inventory shall not reflect the zero emissions associated with the periods of downtime.

14. If a permit applicant requests it, the control officer shall issue permits that contain terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The control officer shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. The terms and conditions shall provide for notice that conforms to 17.12.230 (D) and (E) and that describes how the increases and decreases in emissions will comply with the terms and conditions of the permit.

15. Such other terms and conditions as are required by the Act, A.R.S. Title 49, Chapter 3, Articles 1, 2 and 3 and the rules adopted pursuant thereto.

~~B. Federally enforceable Requirements~~

~~1. All terms and conditions in a Title V permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Act.~~

~~2. Notwithstanding subsection B.1 of this section, the control officer shall specifically designate as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or under any of its applicable requirements.~~

C. All permits shall contain a compliance plan that meets the requirements of 17.12.210.

D. Each permit shall include the applicable permit shield provisions set forth in 17.12.310.

E. Emergency provision for excess emissions

1. For all permits that specify emission limitations, emissions in excess of the limitation contained in the terms of the permit shall constitute a violation.

2. An emergency constitutes an affirmative defense to an action brought for noncompliance of the emission limitations if the conditions of subdivision 3 of this subsection are met.

3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

b. The permitted facility was at the time being properly operated;

c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and



d. The permittee submitted notice of the emergency to the control officer by certified mail or hand delivery within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.

4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

~~F. A class I permit issued to a major source shall require that reopenings be made pursuant to 17.12.270 to incorporate additional applicable requirements adopted by the Administrator pursuant to the Act that become applicable to a source with a permit with a remaining permit term of three or more years. No reopening shall be required if the effective date of the applicable requirement is after the expiration of the permit. The reopenings shall be made as expeditiously as practicable, but not later than eighteen months after the promulgation of such standards and regulations. Any permit reopening required pursuant to this section shall comply with provisions in 17.12.280 for permit renewal and shall reset the five year permit term.~~

17.12.190 Permit review by EPA and affected states. -- not submitted.

17.12.200 Emission standards and limitations.

Wherever applicable requirements apply different standards or limitations to a source for the same item, all applicable requirements shall be included in the permit. (Ord. 1993-128 § 3, 1993)

17.12.210 Compliance plan; ~~certification~~

A. All permits shall contain the following elements with respect to compliance:

1. The following monitoring requirements sufficient to assure compliance with the terms and conditions of the permit:

a. All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to sections 114 (a)(3) or 504 (b) of the Act (Inspections, Monitoring and Entry or Permit Requirements and Conditions);

b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to subdivision 2 of this subsection. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and

c. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

2. All applicable recordkeeping requirements including requiring, where applicable, the following:

a. Records of required monitoring information that include the following:

(i) The date, place as defined in the permit, and time of sampling or measurements, and name of person conducting sampling;  
(ii) The date(s) analyses were performed;  
(iii) The name of the company or entity that performed the analyses;  
(iv) A description of the analytical techniques or methods used;  
(v) The results of such analyses;  
(vi) The operating conditions as existing at the time of sampling or measurement; and  
(vii) Chain of custody.

b. Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings or physical records for continuous monitoring instrumentation, and copies of all reports required by the permit.

3. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

a. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. ~~All required reports shall be certified by a responsible official consistent with subdivision 5 of this subsection.~~

b. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Notice in accordance with 17.12.180 (E)(3)(d) shall be considered prompt for purposes of this paragraph.

~~4. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:~~

~~a. The frequency for submissions of compliance certifications, which shall not be less than annually;~~

~~b. The means to monitor the compliance of the source with its emissions limitations, standards, and work practices;~~

~~c. A requirement that the compliance certification include the following:~~

~~(i) The identification of each term or condition of the permit that is the basis of the certification;~~

~~(ii) The compliance status;~~

~~(iii) Whether compliance was continuous or intermittent;~~

~~(iv) The method(s) used for determining the compliance status of the source, currently and over the reporting period; and~~

~~(v) Other facts as the control officer may require to determine the compliance status of the source.~~

~~d. A requirement that all compliance certifications be submitted to the control officer, and for Title V permits, to the Administrator as well.~~

~~e. Such additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the Act (Inspections, Monitoring and Entry or Permit Requirements and Conditions).~~

~~5. A requirement for any document required to be submitted by a permit, including reports, to contain a certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this Chapter shall state that, based on information and belief~~

~~formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.~~

6. Inspection and entry provisions which require that upon presentation of proper credentials, the permittee shall allow the control officer to:

a. Enter upon the permittee's premises where a source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of the permit;

b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;

c. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

d. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements; and

e. Record any inspection by use of written, electronic, magnetic and photographic media.

7. A compliance plan that contains all the following:

a. A description of the compliance status of the source with respect to all applicable requirements.

b. A description as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.

(iii) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.

c. A compliance schedule as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.

(iii) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirement for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

d. A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of

compliance to remedy a violation. Certified progress reports shall contain:

(i) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.

e. The compliance plan content requirements specified in this subdivision shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act (Acid Deposition Control) with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

8. If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required.

~~B. The control officer may develop special guidance documents and forms to assist certain sources applying for Class II permits in completing the compliance plan.~~

#### 17.12.230 Facility changes allowed without permit revisions.

A. A facility with a permit may make changes that contravene an express permit term without a permit revision if all of the following apply:

1. The changes are not modifications under any provision of Title I of the Act (Air Pollution Prevention and Control) or under A.R.S. 49-401.01(17).

2. The changes do not exceed the emissions allowable under the permit whether expressed therein as a rate of emissions or in terms of total emissions.

3. The changes do not violate any applicable requirements or trigger any additional applicable requirements.

4. The changes satisfy all requirements for a minor permit revision under 17.12.250.

5. The changes do not contravene federally enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements.

B. The substitution of an item of process or pollution control equipment for an identical or substantially similar item of process or pollution control equipment shall qualify as a change that does not require a permit revision, if it meets all of the requirements of subsections A, D and E of this Section.

C. Except for sources with authority to operate under general permits, permitted sources may trade increases and decreases in emissions within the permitted facility, as established in the permit pursuant to 17.12.180(A)(12), where an applicable implementation plan provides for such emissions trades, without applying for a permit revision and based on the seven working days notice prescribed in subsection D of this section. This provision is available in those cases where the permit does not already provide for such emissions trading as a minor permit revision.

D. For each change under subsections A through C of this section, a written notice, by certified mail or hand delivery, shall be received by the control officer and, for Title V permits, the Administrator a minimum of seven (7) working days in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided less than 7 working days in advance of the change but

must be provided as far in advance of the change, or if advance notification is not practicable as soon after the change as possible.

E. Each notification shall include:

1. When the proposed change will occur.
2. A description of each such change.
3. Any change in emissions.
4. The pollutants emitted subject to the emissions trade, if any.
5. The provisions in the implementation plan that provide for the emissions trade with which the source will comply and any other information as may be required by the provisions in the implementation plan authorizing the trade.
6. If the emissions trading provisions of the implementation plan are invoked, then the permit requirements with which the source will comply.
7. Any permit term or condition that is no longer applicable as a result of the change.

F. The permit shield described in 17.12.310 shall not apply to any change made pursuant to subsections A through C of this section. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the implementation plan authorizing the emissions trade.

G. Except as otherwise provided for in the permit, making a change from one alternative operating scenario to another as provided under 17.12.180.A.11 shall not require any prior notice under this Section.

H. Notwithstanding any other part of this Section, the control officer may require a permit to be revised for any change that when considered together with any other changes submitted by the same source under this section over the term of the permit, do not satisfy subsection A of this section.

I. The control officer shall make available to the public monthly summaries of all notices received under this section. (Ord. 1994-83 § 19, 1994: Ord. 1993-128 § 3 (part), 1993)

#### **17.12.240 Administrative permit amendments.**

A. Except for provisions pursuant to Title IV of the Act (Acid Deposition Control), an administrative permit amendment is a permit revision that does any of the following:

1. Corrects typographical errors;
2. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
3. Requires more frequent monitoring or reporting by the permittee;
4. Allows for a change in ownership or operational control of a source as approved under 17.12.290 where the control officer determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility coverage, and liability between the current and new permittee has been submitted to the control officer;
5. Incorporates any other type of change which, for non-Title V permits, the control officer, or for Title V permits, the Administrator, has determined to be similar to those of this Section.

B. Administrative permit amendments to Title IV provisions of the permit shall be governed by regulations promulgated by the Administrator under Title IV of the Act (Acid Deposition Control).

C. The control officer shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and for Class I permits may incorporate such changes without providing notice to the public or affected States provided that it designates any such permit revisions as having been made pursuant to this Section.

D. The control officer shall submit a copy of Title V permits revised under this Section to the Administrator.

E. Except for administrative permit amendments involving a transfer under 17.12.290, the source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request. (Ord. 1994-83 § 20, 1994: Ord. 1993-128 § 3 (part), 1993)

#### 17.12.250 Minor permit revisions.

A. Minor permit revision procedures may be used only for those permit revisions that satisfy all of the following:

1. Do not violate any applicable requirement;
2. Do not involve substantive changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source specific determination of ambient impacts, or a visibility or increment analysis;
4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed in order to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
  - a. A federally enforceable emissions cap which the source would assume to avoid classification as a modification under any provision of Title I of the Act (Air Pollution Prevention and Control);
  - ~~b. An alternative emissions limit approved pursuant to regulations promulgated under the section 112(i)(5) of the Act (Hazardous Air Pollutants).~~
5. Are not modifications under any provision of Title I of the Act (Air Pollution Prevention and Control), ~~or regulations promulgated pursuant to A.R.S. § 49-426.06.~~
6. Are not changes in fuels not represented in the permit application or provided for in the permit.
7. The increase in the source's potential to emit any regulated air pollutant is not significant as defined in section 17.04.340.
8. Are not required to be processed as a significant revision under 17.12.260.

B. As approved by the control officer, minor permit revision procedures may be used for permit revisions involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit revision procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by the Administrator.

C. An application for minor permit revision shall be on the standard application form contained in Title 18, Chapter 2, Appendix 1 of the A.A.C. and include the following:

1. A description of the change, the emissions resulting from the change,

and any new applicable requirements that will apply if the change occurs;

~~2. For Title V sources, the source's suggested proposed permit;~~

~~3. Certification by a responsible official, consistent with standard permit application requirements, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used;~~

~~D. EPA and affected State notification. For Title V permits, within 5 working days of receipt of an application for a minor permit revision, the control officer shall notify the Administrator and affected states of the requested permit revision in accordance with 17.12.190.~~

E. The control officer shall follow the following timetable for action on an application for a minor permit revision:

~~1. For Title V permits, the control officer shall not issue a final permit revision until after the Administrator's 45-day review period or until the Administrator has notified the control officer that the Administrator will not object to issuance of the permit revision, whichever is first, although the control officer may approve the permit revision prior to that time. Within 90 days of the control officer's receipt of an application under minor permit revision procedures, or 15 days after the end of the Administrator's 45-day review period, whichever is later, the control officer shall do one or more of the following:~~

~~a. Issue the permit revision as proposed.~~

~~b. Deny the permit revision application.~~

~~c. Determine that the proposed permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures in 17.12.260.~~

~~d. Revise the proposed permit revision and transmit to the Administrator the new proposed permit revision as required in 17.12.190.~~

2. Within 90 days of the control officer's receipt of an application for a revision of a non-Title V permit under this Section, the control officer shall do one or more of the following:

a. Issue the permit revision as proposed.

b. Deny the permit revision application.

c. Determine that the permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures pursuant to 17.12.260.

d. Revise and issue the proposed permit revision.

F. Source's ability to make change. The source may make the change proposed in its minor permit revision application immediately after it files the application. After the source makes the change allowed by the preceding sentence, and until the control officer takes any of the actions specified in subsection E of this Section, the source shall comply with both the applicable requirements governing the change and the proposed revised permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to revise may be enforced against it.

G. The permit shield under 17.12.310 shall not extend to minor permit revisions.

H. Notwithstanding any other part of this section, the control officer may require a permit to be revised under 17.12.260 for any change that, when considered together with any other changes submitted by the same source under this section or 17.12.230 over the life of the permit, do not satisfy subsection A of this section.

I. The control officer shall make available to the public monthly summaries of all applications for minor revisions.

#### 17.12.260 Significant permit revisions.

A. Significant revision procedures shall be used for applicants requesting permit revisions that do not qualify as minor revisions or as administrative amendments. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or record keeping permit terms or conditions shall follow significant revision procedures.

~~B. All modifications to major sources of federally listed hazardous air pollutants shall follow significant revision procedures and any rules adopted pursuant to A.R.S. 49-426.03 and 49-480.03. A physical change to a source or change in the method of operation of a source that complies with Section 112(g)(1) of the Act (Hazardous Air Pollutants) shall be a modification required to be processed under this Section but not for the purposes of requiring maximum achievable control technology.~~

~~C. All modifications to sources subject to rules promulgated pursuant to A.R.S. 49-426.06 and 49-480.04 shall follow the revision procedures provided in those rules.~~

D. Significant permit revisions shall meet all requirements of this Article for applications, public participation, ~~review by affected States,~~ and review by the Administrator as they apply to permit issuance ~~and renewal.~~

~~E. The control officer shall process the majority of significant permit revision applications within 9 months of receipt of a complete permit application but in no case longer than 18 months.~~

#### 17.12.270 Permit reopenings; revocation and reissuance; termination.

##### A. Reopening for Cause

1. Each issued permit shall include provisions specifying the conditions under which the permit shall be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:

~~a. Additional applicable requirements under the Act become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 17.12.280.B. Any permit reopening required pursuant to this paragraph shall comply with provisions in 17.12.280 for permit renewal and shall reset the five-year permit term.~~

~~b. Additional requirements, including excess emissions requirements, become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Class I permit.~~

c. The control officer ~~or the Administrator~~ determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.



d. The control officer ~~or the Administrator~~ determines that the permit needs to be revised or revoked to assure compliance with the applicable requirements.

2. Proceedings to reopen and issue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

3. Reopenings under subdivision A.1. of this Section shall not be initiated before a notice of such intent is provided to the source by the control officer at least 30 days in advance of the date that the permit is to be reopened, except that the control officer may provide a shorter time period in the case of an emergency.

4. When a permit is reopened and revised pursuant to this section, the control officer may make appropriate revisions to the permit shield established pursuant to 17.12.310.

~~B. Within 10 days of receipt of notice from the Administrator that cause exists to reopen a Title V permit, the control officer shall notify the source. The source shall have 30 days to respond to the control officer. Within 90 days of receipt of notice from the Administrator that cause exists to reopen a permit, or within any extension to the 90 days granted by EPA, the control officer shall forward to the Administrator and the source a proposed determination of termination, revision, revocation or reissuance of the permit. Within 90 days of receipt of an EPA objection to the control officer's proposal, the control officer shall resolve the objection and act on the permit.~~

C. The control officer may issue a notice of termination of a permit issued pursuant to this title if:

1. The control officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.

2. The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.

3. The terms and conditions of the permit have been or are being violated.

If the control officer issues a notice of termination under this section, the notice shall be served on the permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the revocation and a statement that the permittee is entitled to a hearing. A notice of termination issued by the control officer shall become effective immediately upon the expiration of the time during which a request for a hearing may be made pursuant to A.R.S. 49-511 unless the person or persons named in such notice shall have made a timely request for a hearing before the hearing board.

**17.12.280 Permit renewal and expiration. - not submitted**

**17.12.290 Permit transfers.**

A. Except as provided in A.R.S. §49-483 and subsection B of this section, a Class I or II permit may be transferred to another person if:

1. the person who holds the permit gives notice of the following to the control officer in writing at least thirty days before the proposed transfer:

a. The permit number and expiration date.

b. The name, address and telephone number of the current permit

holder.

c. The name, address and telephone number of the organization to receive the permit.

2. the new owner gives notice of the following to the control officer in writing at least thirty days before the proposed transfer:

a. The name and title of the individual within the organization who is accepting responsibility for the permit along with a signed statement by that person indicating such acceptance.

b. A description of the equipment to be transferred.

c. A written agreement containing a specific date for transfer or permit responsibility, coverage, and liability between the current and new permittee.

d. Provisions for the payment of any fees pursuant to Chapter 17.12, Article VI that will be due and payable before the effective date of transfer.

e. Sufficient information about the source's technical and financial capabilities of operating the source to allow the control officer to make the decision in subsection B of this section including:

(i) The qualifications of each person principally responsible for the operation of the source.

(ii) A statement by the chief financial officer of the new permittee that it is financially capable of operating the facility in compliance with the law, and the information that provides the basis for that statement.

(iii) A brief description of any action for the enforcement of any federal or state law, rule or regulation, or any county, city or local government ordinance relating to the protection of the environment, instituted against any person employed by the new permittee and principally responsible for operating the facility during the five years preceding the date of application. In lieu of this description, the new permittee may submit a copy of the certificate of disclosure or 10-k form required under A.R.S. §49-109, or a statement that this information has been filed in compliance with A.R.S. §49-109.

B. The control officer shall deny the transfer if the control officer determines that the organization receiving the permit is not capable of operating the source in compliance with Article 3, Chapter 3, Title 49, Arizona Revised Statutes, the provisions of this title or the provisions of the permit. Notice of the denial shall be sent to the original permit holder by certified mail stating the reason for the denial within ten working days of the control officer's receipt of the application. If the transfer is not denied within ten working days after receipt of the notice, it shall be deemed approved.

C. To appeal the transfer denial:

1. Both the transferor and transferee shall petition the hearing board in writing for a public hearing; and

2. The appeal process for a permit shall be followed.

D. The control officer shall make available to the public monthly summaries of all notices received under this section. (Ord. 1994-83 § 24, 1994: Ord. 1993-128 § 3 (part), 1993)

#### 17.12.300 Portable sources.

A. A portable source that will operate for the duration of its permit solely

in one county that has established a local air pollution control program pursuant to A.R.S. 49-479 shall obtain a permit from that county. A portable source with a county permit, shall not operate in any other county.

B. Permits for portable sources shall include the following:

1. Conditions that will assure compliance with all applicable requirements at all authorized locations; and

2. Conditions that assure compliance with all other provisions of this title.

C. A portable source which has a county permit but proposes to operate outside the county shall obtain a permit from the Director. Upon issuance of a permit by the Director, the county shall terminate the county permit for that source. Before commencing operation in the new county, the source shall notify the Director and the control officer who has jurisdiction over the geographic area that includes the new location according to subsection E of this Section.

D. An owner of portable source equipment which requires a permit under this title shall obtain the permit prior to renting or leasing said equipment. This permit shall be provided by the owner to the renter or lessee and the renter or lessee shall be bound by the permit provisions. In the event a copy of the permit is not provided to the renter or lessee, both the owner and the lessee or renter shall be responsible for the operation of this equipment in compliance with the permit conditions and any violations thereof.

E. A portable source may be transferred from one location to another provided that the owner or operator of such equipment provide notification according to the conditions specified in the permit. In no case will more than ten days notice be required. (Ord. 1994-83 § 25, 1994: Ord. 1993-128 § 3 (part), 1993)

#### 17.12.310 Permit shields.

A. Each Class I or II permit issued under this chapter shall specifically identify all federal, state, and local air pollution control requirements that apply to the source at the time the permit is issued. The permit shall state that compliance with the conditions of the permit shall be deemed compliance with any applicable requirement identified in the permit as of the date of permit issuance, provided that such applicable requirements are included and expressly identified in the permit. The control officer may include in a permit determination that other requirements specifically identified are not applicable. Any permit under this Chapter that does not expressly state that a permit shield exists shall not provide such a shield.

B. Nothing in this Section or in any permit shall alter or affect the following:

1. The provisions of section 303 of the Act (emergency orders), including the authority of the Administrator under that section.

2. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.

3. The applicable requirements of the acid rain program, consistent with section 408(a) of the Act (Permits and Compliance Plans).

4. The ability of the Administrator or the control officer to obtain information from a source pursuant to section 114 of the Act (Inspections, Monitoring and Entry), or any provision of state law.

5. The authority of the control officer to require compliance with new applicable requirements adopted after the permit is issued.

C. In addition to the provisions of 17.12.270, a permit may be reopened by the

control officer and the permit shield revised when it is determined that standards or conditions in the permit are based on incorrect information provided by the applicant. (Ord. 1994-83 § 26, 1994: Ord. 1993-128 § 3 (part), 1993)

#### 17.12.320 Annual emissions inventory questionnaire.

A. Every source subject to a Title V permit requirement shall complete and submit to the control officer an annual emissions inventory questionnaire. The questionnaire is due by March 31, or 90 days after the control officer makes the inventory form available, whichever occurs later, and shall include emission information for the previous calendar year. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed. Sources subject to non-Title V permit requirements may also be required by the control officer to submit emissions inventory information.

B. The questionnaire shall be on a form provided by or approved by the control officer and shall include the following information:

1. The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.

2. Process information for the source, including design capacity, operations schedule, and emissions control devices, their description and efficiencies.

3. The actual quantity of emissions from permitted emission points and fugitive emissions as provided in the permit, including documentation of the method of measurement, calculation or estimation determined pursuant to subsection C of this section of the following regulated air pollutants:

- a. Any single regulated air pollutant in a quantity greater than one ton or the amount listed for the pollutant in the definition of "significant" in section 17.04.340, whichever is less.

- b. Any combination of regulated air pollutants in a quantity greater than 2.5 tons.

C. Actual quantities of emissions shall be determined using the following emission facts or data:

1. Whenever available, emissions estimates shall either be calculated from continuous emissions monitors certified pursuant to 40 CFR Part 75, Subpart C and referenced as appendices, as published in the Federal Register on January 11, 1993 (and no later editions) which is incorporated herein by reference, and is on file with the Department and the Office of Secretary of State, or data quality assured pursuant to Appendix F of 40 CFR Part 60.

2. When sufficient data pursuant to subdivision 1 of this subsection is not available, emissions estimates shall be calculated from data from source performance tests conducted pursuant to 17.12.050 in the calendar year being reported or, when not available, conducted in the most recent calendar year representing the operating conditions of the year being reported.

3. When sufficient data pursuant to subdivisions 1 and 2 of this subsection is not available, emissions estimates shall be calculated using emissions factors from EPA Publication No. AP-42 "Compilation of Air Pollutant Emission Factors", Volume I: Stationary Point and Area Sources, Fourth Edition, supplements A through F, 1985, U.S. Environmental Protection Agency, Research Triangle Park, NC (GPO Order No. 055-000-00251-7), (and no future editions) which is incorporated herein by reference and is on file with the Department and the Office of Secretary of State. AP-42 can be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

4. When sufficient data pursuant to subdivisions 1 through 3 of this

subsection is not available, emissions estimates shall be calculated from material balance using engineering knowledge of process.

5. When sufficient data pursuant to subdivisions 1 through 4 of this subsection is not available, emissions estimates shall be calculated by equivalent methods approved by the control officer. The control officer shall only approve methods that are demonstrated as accurate and reliable as the applicable method in subdivisions 1 through 4 of this subsection.

D. Actual quantities of emissions calculated under subsection C of this section shall be determined on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored or combusted.

E. An amendment to an annual emission inventory questionnaire, containing the documentation required by subdivision (B)(3) of this section, shall be submitted to the control officer by any source whenever it discovers or receives notice, within two years of the original submittal, that incorrect or insufficient information was submitted to the control officer by a previous questionnaire. If the incorrect or insufficient information resulted in an incorrect annual emissions fee, the control officer shall require that additional payment be made or shall apply an amount as a credit to a future annual emissions fee. The submittal of an amendment under this subsection shall not subject the owner or operator to an enforcement action or a civil or criminal penalty if the original submittal of incorrect or insufficient information was due to reasonable cause and not willful neglect.

F. The control officer may require submittal of supplemental emissions inventory questionnaires for air contaminants pursuant to A.R.S. 49-476.01. (Ord. 1994-83 § 27, 1994: Ord. 1993-128 § 3 (part), 1993)

#### **17.12.330 Permits containing the terms and conditions of federal delayed compliance orders (DCO) or consent decrees.**

A. The terms and conditions of either a DCO or consent decree shall be incorporated into a permit through a permit revision. In the event the permit expires prior to the expiration of the DCO or consent decree, the DCO or consent decree shall be incorporated into any permit renewal.

B. The owner or operator of a source subject to a DCO or consent decree shall submit to the control officer a quarterly report of the status of the source and construction progress and copies of any reports to the Administrator required under the order or decree. The control officer may require additional reporting requirements and conditions in permits issued under this Article.

C. For the purpose of this Chapter, sources subject to a consent decree issued by a federal court shall meet the same requirements as those subject to a DCO. (Ord. 1993-128 § 3, 1993)

#### **17.12.340 Public participation.**

A. The control officer shall provide public notice, an opportunity for public comment, and an opportunity for a hearing before taking the following actions:

1. A permit issuance ~~or renewal of a permit.~~
2. A significant permit revision.
3. Revocation and reissuance or reopening of a permit.
4. ~~Any conditional orders pursuant to 17.28.100.~~

B. The control officer shall provide public notice of receipt of complete applications for permits to construct or make a major modification to major

sources by publishing a notice in a newspaper of general circulation in the county where the source will be located.

C. The control officer shall provide notice required pursuant to subsection A of this section, or any other section of this title, as follows:

1. The control officer shall publish the notice once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located.

2. The control officer shall mail a copy of the notice to persons on a mailing list developed by the control officer consisting of those persons who have requested in writing to be placed on such a mailing list.

D. The notice required by subsection (C) shall include the following:

1. Identification of the affected facility.
2. Name and address of the permittee or applicant.
3. Name and address of the permitting authority processing the permit action.
4. The activity or activities involved in the permit action.
5. The emissions change involved in any permit revisions.
6. The air contaminants to be emitted.
7. If applicable, that a notice of confidentiality has been filed under 17.12.170.

~~8. If applicable, that the source has submitted a risk management analysis pursuant to A.R.S. §49-426.06.~~

9. A statement that any person may submit written comments, or a written request for a public hearing, or both, on the proposed permit action, along with the deadline for such requests or comments.

10. The name, address, and telephone number of a person from PDEQ from whom additional information may be obtained.

11. Locations where copies of the permit or permit revision application, the proposed permit, and all other materials available to the control officer that are relevant to the permit decision may be reviewed, including the PDEQ office, and the times at which they shall be available for public inspection.

~~E. The control officer shall hold a public hearing to receive comments on petitions for conditional orders which would vary from requirements of the applicable implementation plan. For all other actions involving a proposed permit, the control officer shall hold a public hearing only upon written request pursuant to the provisions of A.R.S. 49-426. If a public hearing is requested, the control officer shall schedule the hearing and publish notice as described in A.R.S. 49-444 and subsection D of this section. The control officer shall give notice of any public hearing at least 30 days in advance of the hearing.~~

~~F. At the time the control officer publishes the first notice according to subdivision (C)(1) of this section, the applicant shall post a notice containing the information required in subsection D of this section at the site where the source is or may be located. Consistent with federal, state, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. If a public hearing is to be held, the applicant shall place an additional posting providing notice of the hearing. Any posting shall be maintained until the public comment period is closed.~~

G. The control officer shall provide at least 30 days from the date of its first notice for public comment. The control officer shall keep a record of the commenters and of the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final decision is made, the record and copies of the control officer's responses shall be made available to the applicant and all commenters.

17.12.350 Material permit condition. -- not submitted

17.12.360 Stack height limitation.

A. The limitations set forth herein shall not apply to stacks or dispersion techniques used by the owner or operator prior to December 31, 1970, for which the owner or operator had:

1. Begun, or caused to begin, a continuous program of physical on-site construction of the stack;

2. Entered into building agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time; or

3. Coal fired steam electric generating units, subject to the provisions of Section 118 of the Act (Control of Pollution from Federal Facilities) which commenced operation before July 1, 1975, with stacks constructed under a construction contract awarded before February 8, 1974.

B. GEP stack height is calculated as the greater of the following four numbers in subdivisions 1 through 4:

1. 213.25 feet (65 meters).

2. For stacks in existence on January 12, 1979 and for which the owner or operator had obtained all applicable preconstruction permits or approvals required under 40 CFR Parts 51 and 52 and 17.16.560,  $H_g = 2.5H$ .

3. For all other stacks,  $H_g = H + 1.5L$ , where  
 $H_g$  = good engineering practice stack height, measured from the ground-level elevation at the base of the stack;  
 $H$  = height of nearby structure measured from the ground-level elevation at the base of the stack;  
 $L$  = lesser dimension (height or projected width) of nearby structure; provided that the EPA, state, or local control agency may require the use of a field study or fluid model to verify GEP stack height for the source; or

4. The height demonstrated by a fluid model or a field study approved by the reviewing agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain obstacles.

5. For a specific structure or terrain feature, "nearby" shall be:

a. For purposes of applying the formulae in subdivisions 2 and 3 of this subsection, that distance up to five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km (one half mile).

b. For conducting demonstrations under subdivision 4 of this subsection, means not greater than 0.8 km (one half mile). An exception is that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten times the maximum height ( $H_+$ ) of the feature, not to exceed two miles if such feature achieved a height ( $H_+$ ) 0.8 km from the stack. The height shall be at least 40 percent of the GEP stack height determined by the formula provided in subdivision 3, or 85 feet (26 meters), whichever is greater,

as measured from the ground-level elevation at the base of the stack.

6. "Excessive concentrations" means, for the purpose of determining good engineering practice stack height under subdivision 4 of this subsection:

a. For sources seeking credit for stack height exceeding that established under subdivisions 2 and 3 of this subsection, a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the requirements for permits or permit revisions under this Chapter, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes or eddy effects and greater than the applicable maximum allowable increase contained in 17.08.150. The allowable emission rate to be used in making demonstrations under subdivision 4 of this subsection shall be prescribed by the new source performance standard which is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the control officer, an alternative emission rate shall be established in consultation with the source owner or operator;

b. For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under subdivisions 2 and 3 of this subsection, either:

(i) A maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects as provided in paragraph a of this subdivision, except that emission rate specified by any applicable SIP shall be used, or

(ii) The actual presence of a local nuisance caused by the existing stack, as determined by the control officer; and

c. For sources seeking credit after January 12, 1979, for a stack height determined under subdivisions 2 and 3 of this subsection, where the control officer requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970 based on the aerodynamic influence of structures not adequately represented by the equations in subdivisions 2 and 3 of this subsection, a maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

C. The degree of emission limitation required of any source after the respective date given in subsection A of this section for control of any pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique.

D. The good engineering practice (GEP) stack height for any source seeking credit because of plume impaction which results in concentrations in violation of national ambient air quality standards or applicable maximum allowable increases under 7.08.150 can be adjusted by determining the stack height necessary to predict the same maximum air pollutant concentration on any elevated terrain feature as the maximum concentration associated with the emission limit which results from modelling the source using the GEP stack height as determined herein and assuming the elevated terrain features to be equal in elevation to the GEP stack height. If this adjusted GEP stack height is greater than stack height the source proposes to use, the source's emission limitation and air quality



impact shall be determined using the proposed stack height and the actual terrain heights.

E. Before the control officer issues a permit or permit revision under this Article to a source based on a good engineering practice stack height that exceeds the height allowed by subsection B of this Section, ADEQ shall notify the public of the availability of the demonstration study and provide opportunity for public hearing in accordance with the requirements of 17.12.340. (Ord. 1994-83 § 30, 1994: Ord. 1993-128 § 3 (part), 1993)

**17.16.010 Local rules and standards; applicability of more than one standard.**

A. The requirements of this chapter shall apply to all sources of air contaminants operating in Pima County, including those sources under the jurisdiction of the Arizona Department of Environmental Quality.

B. If more than one emission limit or emission standard is applicable to the same source, the more stringent standard or emission limit shall apply.

C. The owner or operator of any stationary or portable source of air pollution which burns any material, except natural gas, shall keep complete records of the materials used as fuel. The owner or operator of any stationary or portable source of air pollution which incinerates any material shall keep complete records of all materials incinerated.

D. Any facility described in 17.16.010.C. utilizing any fuel source or incinerating any material which the operator has any cause to believe may be a hazardous waste shall test such material to determine if the material is a hazardous waste prior to burning or incinerating the material. If the material is a hazardous waste, the facility shall comply with section 17.16.150.

E. If any air contaminant not otherwise regulated by this Title, either as an individual pollutant or as one of a combination of pollutants that are regulated in the aggregate, is likely to be emitted by a source in such quantities as to create a significant threat to the environment or may reasonably be anticipated to result in or significantly contribute to an increase in mortality or in serious irreversible or incapacitating reversible illness on an impacted population, the control officer shall require, by permit or order, the reduction of such emissions through the application of controls, work practice standards or standards of performance. The control officer's decision shall be in writing and shall be supported by credible scientific evidence and site specific circumstances.

1. The control officer may exempt the source from the control requirements or other requirements of this subsection if the owner or operator of the source provides a written demonstration showing that the control officer's decision is invalid or that site specific emissions will not be a significant threat to the environment or cause the impact on public health described in this subsection. The results of the demonstration, and all supporting documentation, shall be submitted to the control officer. Neither the submission of a demonstration under this subdivision nor the consideration of that demonstration by the control officer suspends or delays the deadline for filing an appeal of a permit condition or order as described in subdivision 2.

**2. Sources may appeal as follows:**

a. Control requirements imposed as permit conditions may be appealed pursuant to 17.12.120.

b. Control requirements imposed as orders may be appealed pursuant to 17.28.090. (Ord. 1994-83 § 47, 1994: Ord. 1993-128 § 4 (part), 1993)

**17.16.020 Noncompliance with applicable standards.**

A. No person shall cause or permit the planning, construction, installation, erection, modification, use, or operation of an emission source which will cause or contribute to a violation of a performance standard established in this Title.

1. The actual emission rates of all identical or reasonably similar emission sources under the control of the same source operator at a contiguous geographical area shall be summed to determine compliance with a mass-emissions discharge standard.

2. A source shall comply with a discharge standard over the full range of the source's operating rates.

B. Where a stack, vent or other outlet is at such a level that fumes, gas mist, odor, smoke, vapor or any combination thereof constituting air pollution are discharged to adjoining property, the control officer may require the installation of abatement equipment or the alteration of such stack, vent or other outlet by the owner or operator thereof to a degree that will adequately reduce or eliminate the discharge of air pollution to adjoining property. (Ord. 1993-128 § 4, 1993; Ord. 1979-93 (part), 1979)

## **Article II. Visible Emission Standards.**

### **17.16.040 Standards and applicability (Includes NESHAP).**

A. No person shall cause or permit the effluent from a single emission point, multiple emission point, or fugitive emissions source to have an average optical density equal to or greater than the opacity limiting standards specified in Table 17.16.040 at the end of this chapter, or as otherwise specified in this Title, subject to the following provisions:

1. Opacities (optical densities), as measured in accordance with Method 9, of an effluent shall be measured by a certified visible emissions evaluator with his natural eyes, approximately following the procedures which were used during his certification, or by an approved and precisely calibrated in-stack monitoring instrument.

2. A violation of an opacity standard shall be determined by measuring and recording a set of consecutive, instantaneous opacities, and calculating the arithmetic average of the measurements within the set unless otherwise noted herein. The measurements shall be made at approximately fifteen-second intervals for a period of at least six minutes, and the number of required measurements shall be as specified in Table 17.16.040. Sets need not be consecutive in time, and in no case shall two sets overlap. If the average opacity of the set of instantaneous measurements exceeds the maximum allowed by any rule, this shall constitute a violation.

3. The use of air or other gaseous diluents solely for the purpose of achieving compliance with an opacity standard is prohibited.

B. When the presence of uncombined water is the only reason for failure of a source to otherwise meet the requirements of this article, this article shall not apply. (Ord. 1993-128 § 4, 1993; Ord. 1979-93 (part), 1979)

### **17.16.050 Visibility limiting standard.**

A. No person shall cause or permit the airborne diffusion of visible emissions, including fugitive dust, beyond the property boundary line within which the emissions become airborne. In actual practice, compliance with this section shall be deemed to occur if the person is taking all necessary and feasible actions to control visible emissions. Sources may be required to cease entirely the activity or operation which is causing or contributing to the emissions.

B. For sources required to obtain a Class I or Class II permit, actions

necessary and feasible to comply with subsection A of this section may be specified in permit conditions. Compliance with all permit conditions shall be deemed compliance with this section.

C. This section shall not apply when wind speeds exceed twenty-five miles per hour (using the Beaufort Scale of Wind-Speed Equivalents, or as recorded by the National Weather Service). This exception does not apply if control measures have not been taken or were not commensurate with the size or scope of the emission source. (Ord. 1994-83 § 49, 1994: Ord. 1993-128 § 4 (part), 1993; Ord. 1987-175 § 23, 1987: (Ord. 1979-93 (part), 1979)

### **Article III. Emissions from Existing and New Nonpoint Sources.**

#### **17.16.060 Fugitive dust producing activities.**

A. A permittee whose permit specifically allows fugitive dust producing operations or activities is responsible for controlling windblown dust, dust from haul roads, and dust emitted from land clearing, earthmoving, demolition, trenching, blasting, road construction, mining, racing event, and other activities, as applicable.

1. Until the area becomes permanently stabilized by paving, landscaping or otherwise, dust emissions shall be controlled by applying adequate amounts of water, chemical stabilizer, or other effective dust suppressant.

2. The permittee shall not leave land in such a state that fugitive dust emissions (including windblown dust or dust caused by vehicular traffic on the area) would violate this Title. (Ord. 1994-83 § 50, 1994: Ord. 1993-128 § 4, 1993; Ord. 1979-93 (part), 1979)

#### **17.16.100 Particulate materials.**

A. Dust emissions from the processing of material shall be effectively controlled by one or more of the following: hooding and use of dust collection equipment, water sprays, wet scrubbers, fabric filters (baghouses), electrostatic precipitators, or other equivalently effective controls.

B. Dust emissions from construction activity shall be effectively controlled by applying adequate amounts of water or other equivalently effective dust controls.

C. Dust emissions from the transportation of materials shall be effectively controlled by covering stock loads in open-bodied trucks, limiting vehicular speeds, or other equivalently effective controls.

D. Emissions from a sandblasting or other abrasive blasting operation shall be effectively controlled by applying water to suppress visible emissions (wet blasting), enclosing the operation, or use of other equivalently effective controls.

E. In addition to any other permits or approvals that may be required pursuant to this Title, all sources of metallic particulates that are not covered by a standard under this chapter for which a permit is issued by the control officer, shall propose RACT for the reduction of actual emissions and concentration of metallic particulates as part of the permit application. The control officer shall review the RACT proposal and shall issue a permit if the proposal demonstrates adequate control measures to achieve emissions reductions. (Ord. 1994-83 § 51, 1994: Ord. 1993-128 § 4 (part), 1993; Ord. 1991-136 § 12; Ord. 1990-113 § 4, 1990; Ord. 1979-93 (part), 1979)

#### **17.16.110 Storage piles.**

A. No person shall cause, suffer, allow, or permit organic or inorganic dust

producing material to be stacked, piled or otherwise stored without taking reasonable precautions such as chemical stabilization, wetting, or covering to prevent excessive amounts of particulate matter from becoming airborne.

B. Stacking and reclaiming machinery utilized at storage piles shall be operated at all times with a minimum fall of material and in such manner, or with the use of spray bars and wetting agents, as to minimize and control to ensure compliance with 17.16.050. (Ord. 1993-128 § 4, 1993)

#### **17.16.120 Mineral tailings.**

No person shall cause, suffer, allow, or permit construction of mineral tailings piles without taking reasonable precautions (i.e. wetting, chemical stabilization and revegetation) to minimize and control to ensure compliance with 17.16.050. (Ord. 1993-128 § 4, 1993)

### **Article IV. New and Existing Stationary Source Performance Standards.**

#### **17.16.130 Applicability.**

A. This article shall apply only to emissions which enter the atmosphere by passing through a vent, stack, flue, or other similar containing or restrictive device, or which by reasonable modification of the emissions source the emissions can be directed through such a device for testing purposes.

B. Where the nature of a process, operation, or activity allows more than one interpretation of a requirement in this Chapter, the more restrictive or most restrictive interpretation shall apply.

C. Except as otherwise provided in this Chapter relating to specific types of sources, the opacity of any plume or effluent:

1. Shall not be greater than 40 percent, and

2. Shall be determined by reference Method 9 of the Arizona Testing Manual.

D. Where the presence of uncombined water is the only reason for the exceedance of any visible emissions requirement in this Article, such exceedance shall not constitute a violation.

E. A person owning or operating an air pollution source may ask the control officer for a determination on meeting the requirements of the applicable opacity standard.

1. The owner or operator shall submit the written reports of the results of the performance tests, the opacity observation results, and observer certification.

2. If the control officer finds that the facility is in compliance with all applicable standards for the performance test and still fails to meet the applicable opacity standard, he shall notify the owner or operator of the finding.

3. The owner or operator may petition the control officer within ten days of receipt of notification, asking the control officer to make an appropriate adjustment to the opacity standard for the facility.

4. The control officer may grant the petition after public notice and opportunity for public hearing takes place, and upon a demonstration by the owner or operator that:

- a. The affected facility and the associated air pollution control equipment were operated and maintained in a manner to minimize the opacity of

emissions during the performance test.

b. The performance tests were performed under the conditions established by the control officer.

c. The affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the opacity requirement.

5. The control officer may establish an opacity standard for the affected facility based on the determination made in subdivision 4 of this subsection. The opacity standard shall be set at a level indicated by the performance and opacity tests, providing that the source will be able to meet the mass or concentration standard and the opacity standard at all times. Such opacity standard shall be incorporated as a condition of the permit for the affected facility.

6. The control officer shall publish the opacity standard once in one or more newspapers of general circulation in the county.

F. The process weight rate utilized in this Article shall be determined as follows:

1. For continuous or long runs, steady state process sources, the process weight rate shall be the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

2. For cyclical or batch process sources, the process weight rate shall be the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such period. (Ord. 1979-93 (part), 1979)

**17.16.160 Standards of performance for fossil-fuel fired steam generators and general fuel burning equipment.**

A. This Section applies to the following:

1. Sources in which fuel is burned for the primary purpose of producing power, steam, hot water, hot air or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitation shall apply, except for wood waste burners as regulated under 17.16.170.

2. All fossil-fuel fired steam generating units or general fuel burning equipment which are greater than or equal to 73 megawatts capacity.

B. For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat content of solid fuel shall be determined in accordance with 17.12.040. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit.

C. No person shall cause, allow or permit the emission of particulate matter in excess of the amounts calculated by one of the following equations:

1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 1.02Q^{0.769}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass

per hour.

Q = the heat input in million Btu per hour.

2. For equipment having a heat input rate greater than 4200 million Btu/hr, the maximum allowable emissions shall be determined by the following equation:

$$E = 17.0Q^{0.432}$$

where "E" and "Q" have the same meaning as in paragraph 1. of this subsection.

D. When low sulfur oil is fired:

1. Existing fuel burning equipment or steam power generating installations which commenced construction or a major alteration prior to May 30, 1972 shall not emit more than 1.0 pound of sulfur dioxide maximum three hour average, per million Btu (430 nanograms per joule) heat input.

2. Existing fuel burning equipment or steam power generating installations which commenced construction or a major alteration after May 30, 1972 shall not emit more than 0.80 pounds of sulfur dioxide maximum three hour average per million Btu (340 nanograms per joule) heat input.

E. When high sulfur oil is fired all existing steam power generating and general fuel burning installations which are subject to the provisions of this Section shall not emit more than 2.2 pounds of sulfur dioxide maximum three-hour average per million Btu (946 nanograms per joule) heat input.

F. When solid fuel is fired:

1. Existing general fuel burning equipment and steam power generating installations which commenced construction or a major alteration prior to May 30, 1972 shall not emit more than 1.0 pound of sulfur dioxide maximum three-hour average, per million Btu (430 nanograms per joule) heat input.

2. Existing general fuel burning equipment and steam power generating installations which commenced construction or a major alteration after May 30, 1972 shall not emit more than 0.80 pounds, maximum three-hour average, per million Btu (340 nanograms per joule) heat input.

G. Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee, unless the applicant demonstrates to the satisfaction of the control officer that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to insure that the sulfur dioxide ambient air quality standards set forth in Chapter 17.08, Article I will not be violated.

1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.

2. In cases where the permittee is authorized to use high sulfur oil it shall submit to the control officer monthly reports detailing its efforts to obtain low sulfur oil.

3. When the conditions justifying the use of high sulfur oil no longer exist, the permit shall be modified accordingly.

4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.

H. Existing steam power generating installations which commenced construction or a major alteration after May 30, 1972 shall not emit nitrogen oxides in excess of the following amounts:

1. 0.20 pounds of nitrogen oxides, maximum three-hour average,

calculated as nitrogen dioxide, per million Btu heat input when gaseous fossil fuel is fired.

2. 0.30 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when liquid fossil fuel is fired.

3. 0.70 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when solid fossil fuel is fired.

I. Emission and fuel monitoring systems, where deemed necessary by the control officer for sources subject to the provisions of this Section, shall conform to the requirements of 17.12.060.

J. The applicable reference methods given in the Appendices to 40 CFR 60 shall be used to determine compliance with the standards as prescribed in subsections C through G and I of this Section. All tests shall be run at the heat input calculated under subsection (B) of this Section. (Ord. 1994-83 § 53, 1994: Ord. 1993-128 § 4 (part), 1993)

#### **17.16.165 Standards of performance for fossil-fuel fired industrial and commercial equipment.**

A. This Section applies to industrial and commercial installations which are less than 73 megawatts capacity (250 million British thermal units per hour); but in the aggregate on any premises are rated at greater than 500,000 British thermal units per hour (0.146 megawatts); and in which fuel is burned for the primary purpose of producing steam, hot water, hot air or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or byproducts of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.

B. For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat content of solid fuel shall be determined in accordance with 17.12.220. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit. The total heat input of all fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

C. No person shall cause, allow or permit the emission of particulate matter, caused by combustion of fuel, from any fuel-burning operation in excess of the amounts calculated by one of the following equations:

1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 1.02Q^{0.769}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

Q = the heat input in million Btu per hour.

2. For equipment having a heat input rate greater than 4200 million Btu/hr, the maximum allowable emissions shall be determined by the following equation:

$$E = 17.0Q^{0.432}$$

where "E" and "Q" have the same meanings as in subdivision 1 of this subsection.

D. The actual values shall be calculated from the applicable equations and

rounded off to two decimal places.

E. Fossil-fuel fired industrial and commercial equipment installations shall not emit more than 1.0 pounds of sulfur dioxide per million Btu heat input when low sulfur oil is fired.

F. Fossil-fuel fired industrial and commercial equipment installations shall not emit more than 2.2 pounds of sulfur dioxide per million Btu heat input when high sulfur oil is fired.

G. Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee. This condition may be omitted from the permit if the applicant demonstrates to the satisfaction of the control officer both that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to insure that the sulfur dioxide ambient air quality standards set forth in 17.08.020 will not be violated.

1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.

2. In cases where the permittee is authorized to use high sulfur oil it shall submit to the control officer monthly reports detailing its efforts to obtain low sulfur oil.

3. When the conditions justifying the use of high sulfur oil no longer exist, the permit shall be modified accordingly.

4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.

H. When coal is fired, fossil-fuel fired industrial and commercial equipment installations shall not emit more than 1.0 pound of sulfur dioxide per million Btu heat input.

I. The owner or operator subject to the provisions of this Section shall install, calibrate, maintain and operate a continuous monitoring system for measurement of the opacity of emissions discharged into the atmosphere from the control device.

J. For the purpose of reports required under excess emissions reporting required by 17.12.180, the owner or operator shall report all six-minute periods in which the opacity of any plume or effluent exceeds 15 percent.

K. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards as prescribed in this Section.

a. Method 1 for selection of sampling site and sample traverses.

b. Method 3 for gas analysis to be used when applying Reference Methods 5 and 6.

c. Method 4 and 5 for concentration of particulate matter and the associated moisture content.

d. Method 6 for concentration of SO<sub>2</sub>.

2. For Method 5, Method 1 shall be used to select the sampling site and the number of traverse sampling points. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf), except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the control officer. The probe and filter holder heating systems in the sampling train shall be set to provide



a gas temperature no greater than 160°C (320°F).

3. For Method 6, the sampling site shall be the same as that selected for Method 5. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft). For Method 6, the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

4. For Method 6, the minimum sampling time shall be 20 minutes and the minimum sampling volume 0.02 dscm (0.71 dscf) for each sample. The arithmetic mean of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals.

5. Gross calorific value shall be determined in accordance with the applicable ASTM methods: D-2015-91 (Test for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter) for solid fuels, D-240-87 (Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter) for liquid fuels, and D-1826-88 (Test Method for Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter) for gaseous fuels. The rate of fuels burned during each testing period shall be determined by suitable methods and shall be confirmed by a material balance over the fossil-fuel fired system. (Ord. 1994-83 § 54, 1994: Ord. 1993-128 § 4 (part), 1993)

#### 17.16.170 Incinerators.

A. An incinerator shall be operated only between the hours of official sunrise and sunset, except when the following are conditions of the operating permit:

1. The incinerator is equipped with a continuous monitoring and recording opacity meter;

2. The incinerator is used solely for the destruction of materials which would cause or contribute to air pollution if disposed of in any other practical manner;

3. The incinerating process cannot be operated efficiently during only daylight hours;

4. The opacity monitoring-and-recording equipment is calibrated and maintained in accordance with the manufacturer's specifications, and

5. The opacity monitoring records are kept for at least five years.

B. No person shall cause, allow, or permit to be emitted into the atmosphere, from any type of incinerator, smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 20 percent opacity except during the times specified in subsection E of this Section.

C. No person shall cause, allow, permit the discharge of particulate matter into the atmosphere in any one hour from any incinerator, in excess of the following limits:

1. For multiple chamber incinerators, controlled atmosphere incinerators, fume incinerators, afterburners or other unspecified types of incinerators, emissions shall not exceed 0.08 grains per cubic foot, based on dry flue gas at standard conditions, corrected to 12 percent carbon dioxide.

2. For wood waste burners other than air curtain destructors, emissions discharged from the stack or burner top opening shall not exceed 0.2 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12 percent carbon dioxide.

D. Air curtain destructors shall not be used within 500 feet of the nearest dwelling.

E. Incinerators shall be exempt from the opacity and emission requirements described in subsections B and C of this section as follows:

1. For multiple chamber incinerators, controlled atmosphere incinerators, fume incinerators, afterburners or other unspecified types of incinerators, such exemption shall be for not more than 30 seconds in any 60-minute period.

2. Wood waste burners shall be exempt both:

a. For a period once each day for the purpose of building a new fire but not to exceed 60 minutes, and

b. For an upset of operations not to exceed 3 minutes in any 60-minute period.

F. The owner or operator of any incinerator subject to the provisions of this Section shall record the daily charging rates and hours of operation.

G. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A, shall be used to determine compliance with the standards prescribed in subsection C. of this Section as follows:

a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;

b. Method 1 for sample and velocity traverses;

c. Method 2 for velocity and volumetric flow rate;

d. Method 3 for gas analysis and calculation of excess air, using the integrated sampling technique.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the control officer. (Ord. 1993-128 § 4, 1993; Ord. 1979-93 (part), 1979)

#### 17.16.180 Standards of performance for portland cement plants.

A. The provisions of this Section are applicable to the following affected facilities in portland cement plants: kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems.

B. No person shall cause, allow or permit the discharge of particulate matter from any identifiable process source within any existing cement plant subject to the provisions of this Section which exceeds the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 33,700 pounds per hour (16.85 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E=4.10P^{0.67}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate of greater than

33,700 pounds per hour (16.85 tons per hour) but no more than 250,000 pounds per hour (125 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31 P^{0.16}$$

where:

"E" and "P" are defined as indicated in subdivision 1. of this subsection.

3. For kilns having a process weight rate of greater than 250,000 pounds per hour (125 tons per hour), the maximum allowable emissions shall not exceed 0.30 pounds of particulate matter per ton of process weight.

4. For clinker coolers having a process weight rate of greater than 250,000 pounds per hour (125 tons per hour), the maximum allowable emissions shall not exceed 0.10 pounds of particulate matter per ton of process weight, maximum 2-hour average.

C. No process source within any portland cement plant shall exceed 20 percent opacity.

D. No person shall cause, allow or permit discharge into the atmosphere of an amount in excess of six pounds of sulfur oxides, calculated as sulfur dioxide, per ton cement kiln feed from cement plants subject to the provisions of this Section.

E. The owner or operator of any portland cement plant subject to the provisions of this Section shall record the daily production rates and the kiln feed rates.

F. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A, except as provided for in 17.12.050 shall be used to determine compliance with the standards prescribed in subsection B of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the minimum sampling time and minimum sample volume for each run except when process variables or other factors justifying otherwise to the satisfaction of the control officer, shall be as follows:

- a. 60 minutes and 0.85 dscm (30.0 dscf) for the kiln,
- b. 60 minutes and 1.15 dscm (40.6 dscf) for the clinker cooler.

3. Total kiln feed rate, except fuels, expressed in metric tons per hour on a dry basis, shall be both:

- a. Determined during each testing period by suitable methods; and
- b. Confirmed by a material balance over the production system.

4. For each run, particulate matter emissions, expressed in g/metric ton of kiln feed, shall be determined by dividing the emission rate in g/hr by the kiln feed rate. The emission rate shall be determined by the equation,  $g/hr = Q_v \times c$ , where  $Q_v$  = volumetric flowrate of the total effluent in dscm/hr as determined in accordance with paragraph 1.c. of this subsection, and  $c$  =

particulate concentration in g/dscm as determined in accordance with paragraph 1.a. of this subsection.

G. Pursuant to A.R.S. § 49-402(D), the provisions of subsections 17.16.010 (D) and (E) and section 17.16.150 shall be applicable to state regulated portland cement plants. (Ord. 1994-83 § 55, 1994: Ord. 1993-128 § 4 (part), 1993)

#### 17.16.190 Standards of performance for nitric acid plants.

A. No person shall cause, allow or permit discharge from any nitric acid plant producing weak nitric acid, which is either:

1. 30 to 70 percent in strength by either the increased pressure or atmospheric pressure process, or

2. More than 1.5 kg of total oxides of nitrogen per metric ton (3.0 lbs/ton) of acid produced expressed as nitrogen dioxide.

B. The opacity of any plume subject to the provisions of this Section shall not exceed ten percent.

C. A continuous monitoring system for the measurement of nitrogen oxides shall be installed, calibrated, maintained and operated by the owner or operator, in accordance with Section 17.12.060.

D. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standard prescribed in subsection A of this Section as follows:

- a. Method 7 for the concentration of  $\text{NO}_x$ ;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 7, the sample site shall be selected according to Method 1 and the sampling point shall be the centroid of the stack or duct or at a point no closer to the walls than 1 m (3.28 ft.). Each run shall consist of at least four grab samples taken at approximately 15-minute intervals. The arithmetic mean of the samples shall constitute the run value. A velocity traverse shall be performed once per run.

3. Acid production rate, expressed in metric tons per hour of 100 percent nitric acid, shall be both

- a. Determined during each testing period by suitable methods and
- b. Confirmed by a material balance over the production system.

4. For each run, nitrogen oxides, expressed in g/metric ton of 100 percent nitric acid, shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation:

$$\text{g/hr} = Q_e \times c$$

where:

$Q_e$  = volumetric flow rate of the effluent in dscm/hr, as determined in accordance with paragraph 1.c. of this subsection, and

$c$  =  $\text{NO}_x$  concentration in g/dscm, as determined in accordance with paragraph 1.a. of this subsection. (Ord. 1993-128 § 4, 1993)

**17.16.200 Standards of performance for sulfuric acid plants.**

A. Facilities that produce sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfide and mercaptans or acid sludge shall not discharge into the atmosphere:

1. Greater than 2 kg of sulfur dioxide per metric ton (4 lbs/ton) of sulfuric acid produced (calculated as 100 percent  $H_2SO_4$ ), or

2. Greater than 0.075 kg of sulfuric acid mist per metric ton (0.15 lbs/ton) or sulfuric acid produced (calculated as 100 percent  $H_2SO_4$ ).

B. This Section shall not apply to metallurgical plants or other facilities where conversion to sulfuric acid is utilized as a means of controlling emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

C. A continuous monitoring system for the measurement of sulfur dioxide shall be installed, calibrated, maintained and operated by the owner or operator, in accordance with 17.12.060.

D. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with standards prescribed in subsection (A) of this Section as follows:

- a. Method 8 for concentration of  $SO_2$  and acid mist;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. The moisture content can be considered to be zero. For Method 8 the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 1.15 dscm (40.6 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the control officer.

3. Acid production rate, expressed in metric tons per hour of 100 percent  $H_2SO_4$ , shall be both:

- a. Determined during each testing period by suitable methods and
- b. Confirmed by a material balance over the production system.

4. Acid mist and sulfur dioxide emissions, expressed in g/metric ton of 100 percent  $H_2SO_4$ , shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation,  $g/hr - Q_e \times c$ , where  $Q_e$  = volumetric flow rate of the effluent in dscm/hr as determined in accordance with paragraph 1.c. of this subsection, and  $c$  = acid mist and  $SO_2$  concentrations in g/dscm as determined in accordance with paragraph 1.a. of this subsection. (Ord. 1993-128 § 4, 1993)

**17.16.210 Standards of performance for asphalt concrete plants.**

A. Fixed asphalt concrete plants and portable asphalt concrete plants shall meet the standards set forth in this Section.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any existing asphalt concrete plant in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum allowable particulate emission rate in pounds-mass per hour, and

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1. of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

E. Liquid fuel containing greater than 0.9 percent sulfur by weight shall not be utilized for asphalt concrete plants subject to this Section.

F. Solid fuel containing greater than 0.5 percent sulfur by weight shall not be utilized for asphalt concrete plants subject to this Section.

G. The test methods and procedures required under this Section are:

1. The reference methods given in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection B.

a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content.

b. Method 1 for sample and velocity traverses.

c. Method 2 for velocity and volumetric flow rate.

d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer.

3. Percent sulfur in liquid fuel shall be determined by ASTM method D-129-91 (Test Method for Sulfur in Petroleum Products) (General Bomb Method), and the percent sulfur in solid fuel shall be determined by ASTM method D-3177-89 (Test Method for Total Sulfur in the Analysis Sample of Coal and Coke). (Ord. 1993-128 § 4, 1993)

#### 17.16.220 Standards of performance for petroleum refineries.

A. The provisions of this Section are applicable to the following affected facilities in petroleum refineries: fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers, and fuel gas combustion devices.

B. Except as provided in subsection G of this Section, all petroleum refineries subject to this Section are also subject to the provisions of Chapter

17.16, Article VI.

C. The owner or operator of a petroleum refinery complex subject to this Section shall develop and conduct a leak monitoring program in accordance with Appendix H of the EPA Petroleum Refinery Enforcement Manual (EPA 340/1-80-008), amended as of March, 1980, which is incorporated herein by reference and on file with the Office of the Secretary of State.

D. Upon detection of a leaking component, which has a volatile organic compound concentration exceeding 10,000 ppm when tested in the manner described in 40 CFR 60, Appendix A, the owner shall both:

1. Include the leaking component on a written list of scheduled repairs within 24 hours; and

2. Repair and retest the component within 15 days.

E. Except for safety pressure relief valves, no owner or operator of a petroleum refinery shall install a valve at the end of a pipe or line containing volatile organic compounds unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap. The sealing device may be removed only when the line is in use, as when a sample is being taken.

F. No owner or operator of a petroleum refinery shall operate a pipeline valve or pressure relief valve in gaseous volatile organic compound service unless it is marked in some manner that is clearly visible.

G. Existing petroleum refineries of a capacity of 7,000 barrels per day or less shall be exempt from the emissions monitoring requirements of 40 CFR 60.105 provided the owner or operator of such a refinery complies with all of the following:

1. All process gases or fuel gases shall be treated in an afterburner, flare or other combustion device to insure complete combustion of carbon monoxide, hydrogen sulfide, and unburned hydrocarbons.

2. Ambient concentrations of SO<sub>2</sub> in the vicinity of the refinery shall be calculated using a suitable model approved by the control officer and shall not exceed the Class II maximum allowable increases given in Table 17.08.150.

3. A continuous SO<sub>2</sub> ambient air monitor approved by the control officer shall be placed in a location selected by the control officer and shall be maintained in accordance with 17.08.080, and SO<sub>2</sub> concentrations shall not exceed Class II maximum allowable increases.

**17.16.230 Standards of performance for storage vessels for petroleum liquids.**

**A. General Provisions**

1. No petroleum liquid shall be stored in an open storage container or in any other stationary container that does not minimize emissions of hydrocarbons to the atmosphere. No person shall place, store or hold in any reservoir, tank or other container having a capacity greater than forty thousand gallons any petroleum product unless such tank, reservoir or other container is equipped with one of the following vapor loss control devices, properly installed, in operation, and in good working order:

- a. A floating roof designed in accordance with accepted standards of the petroleum industry. A floating roof shall not be used if the petroleum product has a vapor pressure of eleven pounds per square inch absolute or greater under actual conditions. All tank gauging and sampling devices shall be gas tight except when gauging or sampling is taking place. Petroleum product storage containers subject to this provision shall have no visible holes, tears or other openings in the seal, or in any seal fabric. Where applicable, all openings except drains shall be equipped with a cover seal or lid. The cover seal or lid

shall be in a closed position at all times, except when the device is in actual use. Automatic bleeder vents shall be closed at all times, except when the roof is floated off or landed on the roof leg supports. Rim vents, if provided, shall be set to open when the roof is being floated off the roof leg supports, or at the manufacturer's recommended setting;

b. A vapor recovery system consisting of a vapor gathering system capable of collecting the hydrocarbon vapors discharged and a vapor disposal system capable of processing such hydrocarbon vapors so as to prevent an emission rate of the vapors greater than 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere and with all tank gauging and sampling devices gas tight and leak proof except when gauging or sampling is taking place;

c. A pressure tank maintaining working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

2. No person shall install or use a petroleum product storage tank with a capacity of two hundred fifty gallons or more for the purpose of storage of petroleum products unless such tank is:

a. A pressure tank as described in paragraph A.1.c. of this section; or

b. The tank is fitted with a submerged fill pipe and, where required elsewhere in these rules, a vapor recovery system as described in the rule set out in paragraph A.1.b. of this section.

#### B. Petroleum Product Loading Facilities.

1. The owner or operator of any loading facility or stationary storage container regulated under this rule shall not allow visible liquid leaks or spills during loading or unloading operations. Complete drainage shall be accomplished before the loading or unloading device is disconnected unless drybreak couplings are used. No person shall allow petroleum products to be loaded into a delivery vessel at a facility regulated under this rule unless a means has been provided to ensure that the vapor return line is connected.

2. Facilities loading seven million gallons or more per year.

a. No person shall load petroleum products into any delivery vessel at any loading facility having an annual throughput of seven million gallons or more unless the loading facility is equipped for bottom fill, or for submerged fill when top loading, and has a vapor collection and disposal system capable of preventing an emission rate greater than 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere.

b. Loading shall be accomplished in such a manner that the displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

c. During loading or unloading operations there shall be no reading greater than or equal to one hundred percent of the lower explosive limit (LEL, measured as propane) at 1.0 inch (2.5 cm) around the perimeter of a potential leak source as detected by a combustible gas detector using the test procedure described in subsection B2d of this section or any other test procedure deemed equally effective by the control officer or contained in the Arizona Testing Manual (A.T.M.). Any bulk plant, service station or bulk terminal exempted from any other subsection of this section shall be exempt from these requirements.

d. Test Procedure. During loading or unloading, check the periphery of all potential sources of leakage of the loading facility with a combustible gas detector.



(i) Pressure. Place a pressure tap in the loading facility's vapor control system, as close as possible to the connection with the truck tank. Record the pressure periodically during testing.

(ii) Calibration. Calibrate the combustible gas detector with 2.2 percent propane by volume in air for one hundred percent LEL response.

(iii) Probe Distance. The probe inlet shall be 1.0 inch (2.5 cm) from the potential leak source.

(iv) Probe Movement. Move the probe slowly (0.8 in/sec) (2.0 cm/sec). If there is any meter deflection at a potential leak source, move the probe to locate the point of highest meter response.

(v) Probe Position. The probe inlet shall be positioned in the path of (parallel to) the vapor flow from a leak.

(vi) Wind. Conduct test when wind speed is five mph or less.

(vii) Recording. Record the highest detector reading and location for each incidence of leakage.

e. Vapor leak testing shall be conducted annually by the owner of the loading facility, or a consultant, at the expense of the owner. At least two weeks prior to testing, the owner shall notify the control officer of the date, time and location of the testing. The control officer or his representatives may observe the tests.

### 3. Loading Facilities loading less than seven million gallons per year.

a. No person shall load petroleum products into any delivery vessel from any loading facility having an annual throughput of less than seven million gallons unless the loading facility is equipped to return the vapors displaced from the delivery vessel back to the stationary storage container. The owner or operator of the loading facility shall be subject to the testing requirements of the rule set out in subsection B.2., d and e of this section.

b. Any loading facility in operation prior to December 31, 1986 that distributed, and continues to distribute, less than one million gallons per year shall be exempt from the provisions of this rule provided that the owner or operator petitions the control officer annually for this exemption.

c. Any loading facility constructed or installed on or after December 31, 1986, regardless of throughput, shall be equipped to return the vapors displaced from the delivery vessel back to the stationary storage container.

4. When loading is effected through the hatches of a tank truck or trailer with a loading arm equipped with a vapor collecting adapter, a pneumatic, hydraulic or other mechanical means shall be provided to force a vapor tight seal between the adapter and the hatch.

### C. Delivery Vessels

1. No person shall store or transport petroleum products in or otherwise use or operate any delivery vessel unless such vessel is designed and maintained to comply with the requirements of paragraphs B.2.d. and C.4.b. of this section. Any delivery vessel into which vapors have been transferred shall be refilled only at a loading facility that is equipped with a system that prevents an emission rate greater than 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere.

2. Delivery vessels presently in operation which service only stationary storage containers specifically exempted under the rule set out in subsection D of this section need not be retrofitted to comply with the provisions of this rule if loaded only at a bulk plant or loading facility exempted under

subdivision B.3. of this section.

3. No person shall operate any delivery vessel unless all vapor recovery line connections are capped or sealed, except during hookup or disconnection for loading or unloading operations.

4. No owner or operator shall allow a delivery vessel subject to this regulation to be filled or emptied unless the delivery vessel:

a. Is tested annually using EPA Test Method 27 (two runs) to verify compliance with subsection C.4.b. of this section;

b. With a capacity of two thousand five hundred gallons or more, sustains a pressure change of no more than one inch of water (two hundred fifty pascals) in five minutes, when pressurized to a gauge pressure of eighteen inches of water (four thousand five hundred pascals) or evacuated to a gauge pressure of six inches of water (one thousand five hundred pascals) during the testing required in paragraph C.4.a. of this section. At no time after the annual test shall a pressure change of more than 2.5 inches of water (six hundred twenty-five pascals) occur when the vessel is tested as above;

c. With a delivery vessel or compartment (where the delivery vessel compartments must be tested by individual compartment) capacity of less than two thousand five hundred gallons, the pressure change in five minutes shall not exceed the values listed below:

Tank or Compartment Capacity (gallons)	Annual Certification (inches of water)	At any other time (inches of water)
2499 to 1500	1.5	3.0
1499 to 1000	2.0	3.5
999 or less	2.5	4.0

d. Is repaired by the owner or operator and retested within fifteen days of testing if it does not meet the criteria of paragraph C.4.b. of this section;

e. Displays a sticker obtained from the control officer. The sticker shall be placed at the left front (driver's) side of the delivery vessel.

5. Upon receipt of satisfactory test results required in paragraphs C.4.a. and C.4.b. of this section, a sticker will be issued that expires no more than one year from date of issue.

6. Test results for previously certified delivery vessels must be submitted to the control officer within forty-five days prior to the expiration date of the current sticker.

7. Tests shall be conducted annually by the owner of the delivery truck, or a consultant, at the expense of the owner. At least two working days prior to testing, the owner shall notify the control officer of the date, time and location of the testing. The control officer or his representatives may observe the tests.

#### D. Loading into Stationary Storage Containers.

1. No person shall transfer or permit the transfer of petroleum products from any delivery vessel or pipeline into any stationary storage container above or below ground with a capacity of two hundred fifty gallons or more unless such container is equipped with a permanent submerged fill pipe and unless ninety-five percent by weight of the gasoline vapors displaced during the filling of the stationary storage container is prevented from being released to the atmosphere.

2. The provisions of this rule shall be subject to the following exceptions:

a. The transfer of such products into any stationary storage container used exclusively for the fueling of implements of normal cultural farm practices;

b. The transfer of such products into any stationary storage container used to store such products which are not for resale, provided that such container is equipped with a permanent submerged fill pipe, and the annual throughput is less than two hundred thousand gallons. Facilities storing such products which are not for resale and which have an annual throughput of two hundred thousand gallons or greater shall comply with the provisions of this rule by July 1, 1987;

c. The transfer of such products into any stationary storage container having a capacity of one thousand gallons or less which was installed prior to 1969 provided that such container is equipped with a permanent submerged fill pipe;

d. The transfer of such products into or from any underground storage container installed prior to 1969 which has a capacity equal to or less than forty thousand gallons, where the fill line between the fill connection and container is offset;

e. The transfer of such products into any stationary storage container in existence prior to 1969, which is served by a delivery vessel exempted by the control officer pursuant to subdivision C.2. of this section provided that such container is equipped with a permanent submerged fill pipe;

f. The transfer of such products into any stationary storage container which the control officer finds is equipped to control emissions at least as effectively as required by this rule.

3. The owner or operator of any stationary storage container which is subject to this rule and which is installed or constructed on or after December 31, 1986 shall comply with the provisions of this rule at the time of installation.

#### E. Other Provisions Applicable to Petroleum Products Storage and Handling.

1. Vapor return and/or vapor recovery/disposal systems used to comply with the provisions of these rules shall comply with all safety, fire, weights and measures, and all other applicable laws, ordinances and rules and regulations.

2. The applicant for an installation or operating permit for any vapor return and/or vapor recovery/disposal system installed or used to comply with the provisions of these rules shall submit all engineering drawings, specifications, and certifications necessary to demonstrate to the control officer that the back pressure in the system will not exceed eighteen inches of water and that the system is capable of preventing an emission rate exceeding 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere.

3. Vapor recovery systems, components, and fittings for delivery vessels and stationary storage tanks subject to subdivisions D.1. and E.1. of this section must conform with those systems and hardware certified by the State of California Air Resources Board (CARB). The control officer has a list of CARB-certified systems and hardware on file. Systems or components not CARB-certified must demonstrate equivalency. (Ord. 1993-128 § 4, 1993; Ord. 1987-175 § 19, 1987; Ord. 1986-227 § 1 (part), 1986; Ord. 1979-93 (part), 1979).

#### 17.16.240 Standards of performance for secondary lead smelters

A. No person shall cause, allow or permit the discharge of particulate matter

into the atmosphere in any one hour from any existing secondary lead smelter in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum, allowable emission rate in pounds-mass per hour, and  
P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

B. Emission values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

D. The opacity of emissions subject to the provisions of this Section shall not exceed 20 percent.

E. The test methods and procedures required by this Section are as follows:

1. The reference methods set forth in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection A of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. Particulate sampling shall be conducted during representative periods of furnace operation including charging and tapping.

#### **17.16.250 Standards of performance for secondary brass and bronze ingot production plants.**

A. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any secondary brass or bronze ingot production plant in total quantities in excess of the amount calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum, allowable particulate emission rate in pounds-mass per hour, and

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

B. Emission values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

D. The opacity of emissions subject to the provisions of this Section shall not exceed 20 percent.

E. The test methods and procedures required by this Section are as follows:

1. The reference methods set forth in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection A of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 120 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. Particulate sampling shall be conducted during representative periods of charging and refining but not during pouring of the heat. (Ord. 1993-128 § 4, 1993)

#### 17.16.260 Standards of performance for iron and steel plants.

A. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any basic oxygen process furnace in total quantities in excess of the amount calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum, allowable particulate emission rate in pounds-mass per hour, and

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this

subsection.

B. Emission values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

D. The opacity of emissions subject to the provisions of this Section shall not exceed 20 percent.

E. Monitoring of operations under this Section is as follows:

1. The owner or operator of an affected facility shall maintain daily records of the time and duration of each steel production cycle.

2. The owner or operator of any affected facility that uses Venturi scrubber emission control equipment shall install, calibrate, maintain and continuously operate the following monitoring devices:

a. A monitoring device for the continuous measurement of the pressure loss through the Venturi constriction of the control equipment. The monitoring device shall be certified by the manufacturer to be accurate within  $\pm 250$  pascals ( $\pm 1$  inch water).

b. A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 5$  percent of the design water supply pressure. The pressure sensor or tap shall be located close to the water discharge point.

3. All monitoring devices required in subdivision F.2. of this Section shall be recalibrated annually and at other times as the control officer may require, in accordance with the procedures in Appendix 9 of A.A.C. Title 18, chapter 2.

F. The test methods and procedures required under this Section are as follows:

1. The reference methods set forth in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection A of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall continue for an integral number of cycles with total duration of at least 60 minutes. The sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. A cycle shall start at the beginning of either the scrap preheat or the oxygen blow and shall terminate immediately prior to tapping. (Ord. 1993-128 § 4, 1993)

#### **17.16.270 Standards of performance for sewage treatment plants.**

A. No person shall cause, allow or permit to be emitted into the atmosphere, from any municipal sewage treatment plant sludge incinerator:

1. Smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 20 percent opacity for more than 30 seconds in any 60-minute period.

2. Particulate matter in concentrations in excess of 0.08 grains per cubic foot, based on dry flue gas at standard conditions, corrected to 12 percent carbon dioxide.

B. The owner or operator of any sludge incinerator subject to the provisions of this Section shall monitor operations by doing all of the following:

1. Install, calibrate, maintain and operate a flow measuring device which can be used to determine either the mass or volume of sludge charged to the incinerator. The flow measuring device shall have an accuracy of  $\pm 5$  percent over its operating range.

2. Provide access to the sludge charged so that a well-mixed representative grab sample of the sludge can be obtained.

3. Install, calibrate, maintain and operate a weighing device for determining the mass of any municipal solid waste charged to the incinerator when sewage sludge and municipal solid wastes are incinerated together. The weighing device shall have an accuracy of  $\pm 5$  percent over its operating range.

C. The test methods and procedures required by this Section are as follows:

1. The reference methods set forth in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection A. of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.015 dscm/min (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. (Ord. 1993-128 § 4, 1993)

**17.16.280 Standards of performance for primary copper smelters; site specific requirements.**

A. No owner or operator of a primary copper smelter shall cause, allow or permit the discharge of particulate matter into the atmosphere from any process in total quantities in excess of the amount calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour, and

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

B. Emission values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter for that process.

D. The opacity of emissions subject to the provisions of this Section shall not exceed 20 percent.

E. The reference methods set forth in the Arizona Testing Manual and 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in this Section as follows:

1. Method A1 or Reference Method 4 and 5 for concentration of particulate matter and associated moisture content.
2. Reference Method 1 for sample and velocity traverses.
3. Reference Method 2 for volumetric flow rate.
4. Reference method 3 for gas analysis.

F. Except as provided in a consent decree or a delayed compliance order, the owner or operator of the copper smelter of Phelps Dodge Corporation, New Cornelia Branch, shall not discharge or cause the discharge of sulfur dioxide into the atmosphere from any stack required to be monitored by 17.16.290.K. in excess of the following:

a. Annual average emissions, as calculated pursuant to 17.16.290.C. through 17.16.290.J., shall not exceed 8,900 pounds per hour.

b. The number of three-hour average emissions as calculated pursuant to 17.16.290.C through 17.16.290.J. shall not exceed n cumulative occurrences in excess of E, the emission level, shown in the following table in any compliance period:

<u>n</u>	<u>E, lb/hr.</u>	<u>n</u>	<u>E, lb/hr.</u>
0	37,000	180	19,500
1	35,000	245	18,500
2	32,500	330	17,500
4	31,000	435	17,000
7	29,000	560	16,000
12	27,500	710	15,000
20	26,000	890	14,250
32	25,000	1100	13,500
48	23,500	1340	12,500
68	22,500	1610	12,000
94	21,500	1910	11,000
130	20,500	2240	10,500

(Ord. 1993-128 § 4, 1993)

#### **17.16.290 Standards of performance for primary copper smelters; compliance and monitoring.**

A. For purposes of this section, if ADEQ delegates authority for primary copper smelters to the department, the term "director" shall mean "control officer" and "ADEQ" shall mean the "department".

B. The cumulative occurrence and emission limits specified in 17.16.280.F. shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur dioxide control and removal equipment, but not including uncaptured fugitive emissions and those emissions due solely to the use of fuel for space heating or steam generation.

C. Periods of malfunction, startup, shutdown or other upset conditions shall not be excluded when determining compliance with the cumulative occurrence or annual average emission limits specified in 17.16.280.F.

D. Compliance with the cumulative occurrence and emission limits contained in 17.16.280.F. shall be determined as follows:



1. Annual average emissions shall be calculated at the end of each day by averaging the emissions for all hours measured during the compliance period ending on that day. An annual emissions average in excess of the allowable annual average emission limit will be considered a violation if either:

a. The annual average is larger than the annual average computed for the preceding day; or

b. The annual averages computed for the five preceding days all exceed the allowable annual average emission limit.

2. Three-hour emissions averages shall be calculated at the end of each clock hour by averaging the hourly emissions for the preceding three consecutive hours whenever each such hour was measured in accordance with the requirements contained in subsection K of this Section.

E. For purposes of this Section, the compliance date, unless otherwise provided in a consent decree or a delayed compliance order, shall be January 14, 1986.

F. For purposes of subsection C. of this Section, a three-hour emissions average in excess of an emission level (E) will be considered to violate the associated cumulative occurrence limit (n) listed in 17.16.280.F. if both:

1. The number of all three-hour emissions averages measured during the compliance period in excess of that emission level exceeds the cumulative occurrence limit associated with the emission level; and

2. The average was measured during the last operating day of the compliance period being reported.

G. A three-hour emissions average can only violate the cumulative occurrence limit (n) of an emission level (E) in the day containing the last hour in the average.

H. Multiple violations of a cumulative occurrence limit in the same day and violations of different cumulative limits in the same day shall constitute a single violation of the requirements of 17.16.280.

I. The violation of any cumulative occurrence limit and an annual average emission limit in the same day shall constitute only a single violation of the requirements of 17.16.280.

J. Multiple violations of a cumulative occurrence limit by different three-hour emissions averages containing any common hour shall constitute a single violation of the requirements of 17.16.280.

K. For purposes of determining compliance with subsections C through I of this Section, the compliance period shall consist of the 365 calendar days immediately preceding the end of each day of the month being reported unless that period includes less than 300 operating days. In such case the number of days preceding the last day of the compliance period shall be increased until the compliance period contains 300 operating days. Any day in which sulfur containing feed is introduced into the smelting process constitutes an operating day.

L. For purposes of determining compliance with the cumulative occurrence and emission limits contained in 17.16.280.F., the owner or operator of any smelter subject to such limits shall install, calibrate, maintain, and operate a measurement system for continuously monitoring sulfur dioxide concentrations and stack gas volumetric flow rates in each stack which could emit five percent or more of the allowable annual average sulfur dioxide emissions from the smelter.

1. Such measurement system shall also continuously monitor sulfur dioxide concentrations and stack gas volumetric flow rates in the outlet of each piece of sulfur dioxide control equipment.

2. Captured fugitive emissions shall be continuously monitored for sulfur dioxide concentrations and stack gas volumetric flow rates, and these emissions shall be included as part of total plant emissions when determining compliance with the cumulative occurrence and emission limits contained in 17.16.280.F.

3. If the owner or operator can demonstrate to the director that measurement of stack gas volumetric flow in the outlet of any particular piece of sulfur dioxide control equipment would yield inaccurate results or would be technologically infeasible, then the director may allow measurement of the flow rate at an alternative sampling point.

4. For purposes of this subsection, continuous monitoring means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack, outlet or other approved measurement location in each 15-minute period. An hour of smelter emissions shall be considered to have been continuously monitored if the emissions from all monitored stacks, outlets or other approved measurement locations are measured for at least 45 minutes of any hour in accordance with the requirements of this subsection.

5. The continuous monitoring system described in this subsection shall meet all of the following requirements:

a. No later than 18 months prior to the compliance date and at such other times as the director may specify, the stack gas volumetric flow rate measurement system installed and operated pursuant to this Section shall be demonstrated to meet the performance specifications prescribed in 40 CFR 52, Appendix E.

b. No later than 18 months prior to the compliance date and at such other times as the director may specify, the sulfur dioxide concentration measurement system installed and operated pursuant to this Section shall be demonstrated to meet the measurement system performance specifications prescribed in 40 CFR 52, Appendix D, except that "maximum anticipated concentration" shall be substituted for "emission standard" in "Table I -- Performance Specifications."

c. The demonstrations of measurement systems performance required by paragraphs a and b of this subdivision shall be conducted in accordance with the field test procedures prescribed by 40 CFR 52, Appendices D and E. The director shall be notified at least 30 days in advance of the start of the field tests.

d. Location of all sampling points for monitoring sulfur dioxide concentrations and stack gas volumetric flow rates shall be approved in writing by the director prior to installation and operation of measurement instruments.

e. The measurement system installed and used pursuant to this subsection shall be subject to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

M. Failure of the owner or operator of a smelter subject to this Section to measure at least 95 percent of the hours during which emissions occurred in any month shall constitute a violation of this Section.

N. Failure of the owner or operator of a smelter subject to this Section to measure any 12 consecutive hours of emissions in accordance with the requirements of subsection K of this Section shall constitute a violation of this Section.

O. The owner or operator of any smelter subject to this Section shall maintain on hand and ready for immediate installation sufficient spare parts or duplicate

systems for the continuous monitoring equipment required by this Section to allow for the replacement within six hours of any monitoring equipment part which fails or malfunctions during operation.

P. As a means of determining total overall emissions, the owner or operator of any smelter subject to this Section shall perform material balances for sulfur in accordance with the procedures prescribed by Appendix 8 of A.A.C., Title 8, chapter 2.

Q. The owner or operator of any smelter subject to this Section shall maintain a record of all average hourly emissions measurements required to be measured by this Section. The record of such emissions shall be retained for at least two years following the date of measurement. All of the following measurement results shall be expressed as pounds per hour of sulfur dioxide and shall be summarized monthly and submitted to the director within 20 days after the end of each month:

1. For all periods described in subsection C of this Section, the annual average emissions (expressed in pounds per hour) as calculated at the end of each day of the month;

2. The total number of hourly periods during the month in which measurements were not taken and the reason for loss of measurement for each period;

3. The number of three-hour emissions averages which exceeded each of the applicable emissions levels listed in 17.16.280.F. for the compliance periods ending on each day of the month being reported;

4. The date on which a cumulative occurrence limit listed in 17.16.280.F. was exceeded if such exceedance occurred during the month being reported.

R. The owner or operator of a smelter subject to this Section shall submit a proposed compliance schedule to the director which demonstrates that the emission limits of 17.16.280.F. will be achieved at the smelter as expeditiously as practicable, but no later than the compliance date.

S. The schedule submitted pursuant to subsection R of this Section shall include increments of progress and the date for achievement of such increments. The increments of progress shall include all of the following:

1. No later than 30 months prior to the compliance date, submission to the director of a final control plan for meeting the emission limits in 17.16.280.F.;

2. No later than 28 months prior to the compliance date, letting of contracts or issuance of purchase orders for any process or control equipment necessary to accomplish the required emission control;

3. No later than 24 months prior to the compliance date, initiation of any necessary on-site construction or initiation of any necessary installation of emission control equipment or process modification;

4. No later than 24 months prior to the compliance date, submission of the fugitive emissions evaluation prescribed in 17.16.300.B. through D, including a compliance plan for installation of any additional fugitive emission control equipment necessary to assure attainment and maintenance of the applicable ambient air quality standards in the vicinity of the smelter;

5. No later than 18 months prior to the compliance date, the initiation of the demonstrations of stack gas volumetric flow rate and sulfur dioxide concentration measurement systems required by subsections K L.5.a. and b.

6. No later than three months prior to the compliance date, completion of any necessary on-site construction, or installation of emission control

equipment or process modification; and

7. No later than the compliance date, achievement of compliance with the emission limits in 17.16.280.F.

T. The owner or operator shall certify to ADEQ, within 15 days after the deadline for completion of each increment, whether the required increment of progress has been met.

U. At each point in the smelter facility where a means exists to bypass the sulfur removal equipment, such bypass shall be instrumented and monitored to detect and record all periods that the bypass is in operation. Each owner or operator of a copper smelter shall report to the Director, not later than the fifteenth day of each month, the information required to be recorded by this Section. Such report shall include an explanation for the necessity of the use of the bypass. (Ord. 1994-83 § 56, 1994: Ord. 1993-128 § 4 (part), 1993)

**17.16.300 Standards of performance for primary copper smelters; fugitive emissions.**

A. For purposes of this section:

1. If ADEQ delegates authority for primary copper smelters to the department, the term "director" shall mean "control officer" and "ADEQ" shall mean the "department"; and

2. The compliance date, unless otherwise provided in a consent decree or a delayed compliance order, shall be January 14, 1986.

B. Not later than 24 months before the compliance date the owner or operator of a smelter subject to 17.16.280, shall submit to the director the results of an evaluation of the fugitive emissions from the smelter. The evaluation results shall contain all of the following information:

1. A measurement or accurate estimate of total fugitive emissions from the smelter during typical operations, including planned start-up and shutdown. The measurement or estimate shall contain the amount of both average short-term (24 hours) and average long-term (monthly) fugitive emissions from the smelter. The evaluation plan shall be approved in advance by ADEQ and shall specify the method used to determine the fugitive emission amounts, including the conditions determined to be "typical operations" for the smelter.

2. A measurement or accurate estimate of the relative proportion, expressed as a percentage, of total fugitive emissions during typical operations, including planned start-up and shutdown, produced by any of the following smelter processes:

- a. Roaster or dryer operation;
- b. Calcine or dried concentrate transfer;
- c. Reverberatory furnace operations, including feeding, slag return, matte and slag tapping;
- d. Matte transfer; and
- e. Converter operations.

3. The measurement technique or method of estimation used to fulfill the requirement in subdivision 2 of this subsection shall be approved in advance by ADEQ.

4. The results of at least a 6-month fugitive emission impact analysis conducted during that part of the year when fugitive emissions are expected to have the greatest ambient air quality impact. The study shall utilize sufficient measurements of fugitive emissions, meteorological conditions and ambient sulfur dioxide concentrations to associate fugitive emissions with specific measured ambient concentrations of sulfur dioxide. The study shall describe in detail the techniques used to make the required determinations. The design of the study

shall be approved in advance by ADEQ.

C. On the basis of the results of the evaluation as well as other data and information contained in the records of ADEQ, the Director shall determine whether fugitive emissions from a particular smelter have the potential to cause or significantly contribute to violations of the ambient sulfur dioxide standards in the vicinity of the smelter. If the Director finds that fugitive emissions from a particular smelter have the potential to cause or significantly contribute to violations of ambient sulfur dioxide standards in the vicinity of a smelter, then the Director shall adopt rules specifying the emission limits and undertake other appropriate measures necessary to maintain ambient sulfur dioxide standards.

D. The requirements of subsection B of this Section shall not apply to a smelter subject to this Section if the owner or operator of that smelter can demonstrate to the Director both that:

1. Compliance with the applicable cumulative occurrence and emission limits listed in 17.16.280.F. will require the smelter to undergo major modifications to its physical configuration or work practices prior to the compliance date, and

2. That the modification will reduce fugitive emissions to such an extent that such emissions will not cause or significantly contribute to violations of ambient sulfur dioxide standards in the vicinity of the smelter.

E. In order to assess the sufficiency of the cumulative occurrence and emission limits contained in 17.16.280.F. to maintain the ambient air quality standards for sulfur dioxide set forth in 17.08.020, an owner or operator of a smelter subject to this Section shall continue to calibrate, maintain and operate any ambient sulfur dioxide monitoring equipment owned by the smelter owner or operator and in operation within the area of the smelter enclosed by a circle with ten-mile radius as calculated from a center point which shall be the point of the smelter's greatest sulfur dioxide emissions, for a period of at least three years after the compliance date.

1. Such monitors shall be operated and maintained in accordance with 40 CFR 50 and 58 and such other conditions as the Director deems necessary.

2. The location of ambient sulfur dioxide monitors and length of time such monitors remain at a location shall be determined by the Director. (Ord. 1993-128 § 4, 1993)

#### **17.16.310 Standards of performance for coal preparation plants.**

A. The provisions of this Section are applicable to any of the following affected facilities in coal preparation plants: thermal dryers, pneumatic coal-cleaning equipment, coal processing and conveying equipment including breakers and crushers, coal storage systems, and coal transfer and loading systems. For purposes of this Section, the definitions contained in 40 CFR 60.251 are adopted by reference and incorporated herein.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any existing coal preparation plant in total quantities in excess of the amounts calculated by one of the following equations set forth:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1. of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

E. Fugitive emissions from coal preparation plants shall be controlled in accordance with 17.16.070 through 17.16.110.

F. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A are used to determine compliance with standards prescribed in subsection B of this section as follows:

- a. Method 4 and 5 for the concentration of particulate matter and associated moisture content.
- b. Method 1 for sample and velocity traverses.
- c. Method 2 for velocity and volumetric flow rate.
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume is 0.85 dscm (30 dscf), except that short sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the control officer. Sampling shall not be started until 30 minutes after start-up and shall be terminated before shutdown procedures commence. The owner or operator of the affected facility shall eliminate cyclonic flow during performance tests in a manner acceptable to the control officer.

3. The owner or operator shall construct the facility so that particulate emissions from thermal dryers or pneumatic coal cleaning equipment can be accurately determined by applicable test methods and procedures under subdivision 1 of this subsection. (Ord. 1993-128 § 4, 1993)

#### **17.16.320 Standards of performance for steel plants: electric arc furnaces (EAF).**

A. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from electric arc furnaces or dust-handling equipment which are affected facilities in any steel plant in total quantities in excess of the amount calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum, allowable particulate emission rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be

determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

B. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

D. The opacity standard of 40 percent shall not be exceeded by existing steel plant electric arc furnaces and their appurtenances for more than an aggregate of 3 minutes in any 45-minute period.

E. A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the control device shall be installed, calibrated, maintained, and operated by the owner or operator subject to the provisions of this Section.

F. The test methods and procedures required under this Section are as follows:

1. Reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed under subsection A of this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least four hours. When a single EAF is sampled, the sampling time for each run shall also include an integral number of heats. Shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. The minimum sample volume shall be 4.5 dscm (160 dscf). (Ord. 1993-128 § 4, 1993)

#### **17.16.330 Standards of performance for kraft pulp mills.**

A. The provisions of this Section are applicable to the following affected facilities in kraft pulp mills: digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, recovery furnace, smelt dissolving tank, lime kiln, and condensate stripper system. In pulp mills in which kraft pulping is combined with neutral sulfite semi-chemical pulping, the provisions of this Section are applicable when any portion of the material charged to an affected facility is produced by the kraft pulping operation.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any kraft pulp mill process source in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum, allowable particulate emission rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

E. No person shall cause, allow or permit the discharge of sulfur measured as hydrogen sulfide ( $H_2S$ ) in excess of the following amounts:

1. From any recovery furnace, any gases which contain  $H_2S$  in excess of 20 ppm by volume corrected to eight percent oxygen.

2. From any lime kiln, any gases which contain  $H_2S$  in excess of 40 ppm by volume corrected to 10 percent oxygen.

F. Any owner or operator subject to the provisions of this Section shall install, calibrate, maintain, and operate the following continuous monitoring systems:

1. A continuous monitoring system to monitor and record the opacity of the gases discharged into the atmosphere from any recovery furnace. The span of this system shall be set at 70 percent opacity.

2. A continuous monitoring system, to monitor and record the concentration of  $H_2S$  emissions discharged into the atmosphere from any recovery furnace or lime kiln. The span shall be set at  $H_2S$  concentration of 50 ppm.

3. A continuous monitoring system to monitor and record the percent of oxygen by volume in the gases discharged from any recovery furnace or lime kiln. The continuous monitoring system shall be located downstream of the control device for the recovery furnace or lime kiln, and all measurements shall be made on a dry basis. The span of this system shall be set at 20 percent oxygen.

4. For any lime kiln or smelter dissolving tank using a scrubber emission control device:

a. A monitoring device for the continuous measurement of the pressure loss of the gas stream through the control equipment. The monitoring device shall be certified to the manufacturer to be accurate within a gage pressure of  $\pm 500$  pascals (ca.  $\pm 2$  inches of water gage pressure).

b. A monitoring device for the continuous measurement of the scrubbing liquid supply pressure to the control equipment. The monitoring device shall be certified by the manufacturer to be accurate within  $\pm 15$  percent of design scrubbing liquid supply pressure. The pressure sensor or tap shall be located close to the scrubber liquid discharge point, although the control officer may be consulted for approval of alternative locations.

G. The test methods and procedures required by this Section are as follows:

1. The reference methods in the Arizona Testing Manual and 40 CFR 60, Appendix A, except as provided under 17.12.050 shall be used to determine compliance with this Section as follows:

a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;



- b. Method 1 for sample and velocity traverses;
- c. Method 3 for gas analysis;
- d. Method 9 for visible emissions;
- e. Method 11 for total reduced sulfur as hydrogen sulfide.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer. Water shall be used as the cleanup solvent instead of acetone in the sample recovery procedure outlined in Method 5. For determination of compliance with this Section, particulate measurements shall at least be made on the recovery furnace, smelt dissolving tank, and lime kiln. All concentrations of particulate matter from the lime kiln and recovery furnace shall be corrected to ten volume percent oxygen and eight volume percent oxygen, respectively, when the oxygen concentrations exceed these values. (Ord. 1993-128. § 4, 1993)

#### 17.16.340 Standards of performance for stationary rotating machinery.

A. The provisions of this Section are applicable to the following affected facilities: all stationary gas turbines, oil-fired turbines, or internal combustion engines. This Section also applies to an installation operated for the purpose of producing electric or mechanical power with a resulting discharge of sulfur dioxide in the installation's effluent gases.

B. For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. Compliance tests shall be conducted during operation at the normal rated capacity of each unit. The total heat input of all operating fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

C. No person shall cause, allow or permit the emission of particulate matter, caused by combustion of fuel, from any stationary rotating machinery in excess of the amounts calculated by one of the following equations:

1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 1.02Q^{0.769}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

Q = the heat input in million Btu per hour.

2. For equipment having a heat input rate greater than 4200 million Btu/hr., the maximum allowable emissions shall be determined by the following equation:

$$E = 17.0Q^{0.432}$$

where "E" and "Q" have the same meaning as in subdivision 1 of this subsection.

D. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

E. No person shall cause, allow or permit to be emitted into the atmosphere from any stationary rotating machinery, smoke for any period greater than ten consecutive seconds which exceeds 40 percent opacity. Visible emissions when starting cold equipment shall be exempt from this requirement for the first ten minutes.

F. When low sulfur oil is fired, stationary rotating machinery installations shall burn fuel which limits the emission of sulfur dioxide to 1.0 pound per

million Btu heat input.

G. When high sulfur oil is fired, stationary rotating machinery installations shall not emit more than 2.2 pounds of sulfur dioxide per million Btu heat input.

H. Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee. This condition may not be included in the permit if the applicant demonstrates to the satisfaction of the control officer both that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to insure that the sulfur dioxide ambient air quality standards set forth in 17.08.020 will not be violated.

1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.

2. In cases where the permittee is authorized to use high sulfur oil, the permittee shall submit to the control officer monthly reports detailing efforts to obtain low sulfur oil.

3. When the conditions justifying the use of high sulfur oil no longer exist, the permit shall be modified accordingly.

4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.

I. The owner or operator of any stationary rotating machinery subject to the provisions of this Section shall record daily the sulfur content and lower heating value of the fuel being fired in the machine.

J. The owner or operator of any stationary rotating machinery subject to the provisions of this Section shall report to the control officer any daily period during which the sulfur content of the fuel being fired in the machine exceeds 0.8 percent.

K. The test methods and procedures required by this Section are as follows:

1. To determine compliance with the standards prescribed in subsections C through H of this Section, the following reference methods shall be used:

a. Reference Method 20 in 40 CFR 60, Appendix A for the concentration of sulfur dioxide and oxygen.

b. ASTM Method D-129-91 (Test Method for Sulfur in Petroleum Products) (General Bomb Method) for the sulfur content of liquid fuels.

c. ASTM Method D-1072-90 (Test Method for Total Sulfur in Fuel Gases) for the sulfur content of gaseous fuels.

2. To determine compliance with the standards prescribed in subsection J of this Section, the following reference methods in the Arizona Testing Manual shall be used:

a. ASTM Method D-129-91 (Test Method for Sulfur in Petroleum Products) (General Bomb Method) for the sulfur content of liquid fuels.

b. ASTM Method D-1072-90 (Test Method for Total Sulfur in Fuel Gases) for the sulfur content of gaseous fuels. (Ord. 1993-128 § 4, 1993)

#### 17.16.350 Standards of performance for lime manufacturing plants.

A. The provisions of this Section are applicable to the following affected facilities used in the manufacture of lime: rotary lime kilns, vertical lime kilns, lime hydrators, and limestone crushing facilities. This Section is also

applicable to limestone crushing equipment which exists apart from other lime manufacturing facilities.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any lime manufacturing or limestone crushing facility in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

E. Fugitive emissions from lime plants shall be controlled in accordance with 17.16.070 through 17.16.110.

F. The owner or operator subject to the provisions of this Section shall install, calibrate, maintain, and operate a continuous monitoring system, except as provided in subsection G of this Section, to monitor and record the opacity of the gases discharged into the atmosphere from any rotary lime kiln. The span of this system shall be set at 70 percent opacity.

G. The owner or operator of any rotary lime kiln using a wet scrubbing emission control device subject to the provisions of this Section shall not be required to monitor the opacity of the gases discharged as required in subsection F of this Section.

H. The test methods and procedures required by this Section are as follows:

1. The reference methods in the Arizona Testing Manual and 40 CFR 60, Appendix A, shall be used to determine compliance with this Section as follows:

- a. Method 4 and 5 for the measurement of particulate matter.
- b. Method 1 for sample and velocity traverses.
- c. Method 2 for velocity and volumetric flow rate.
- d. Method 3 for gas analysis.
- e. Method 4 for stack gas moisture.
- f. Method 9 for visible emissions.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the control officer.

3. Because of the high moisture content of the exhaust gases from the hydrators, in the range of 40 to 85 percent by volume, the Method 5 sample train

may be modified to include a calibrated orifice immediately following the sample nozzle when testing lime hydrators. In this configuration, the sampling rate necessary for maintaining isokinetic conditions can be directly related to exhaust gas velocity without a correction for moisture content. (Ord. 1993-128 § 4, 1993)

**17.16.360 Standards of performance for nonferrous metals industry sources.**

A. The provisions of this Section are applicable to the following affected facilities: mines, mills, concentrators, crushers, screens, material handling facilities, fine ore storage, dryers, roasters, and loaders.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any process source subject to the provisions of this Section in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum, allowable particulate emission rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

E. No person shall cause, allow or permit to be discharged into the atmosphere from any dryer or roaster the operating temperature of which exceeds 700° F., reduced sulfur in excess of ten percent of the sulfur entering the process as feed. Reduced sulfur includes sulfur equivalent from all sulfur emissions including sulfur dioxide, sulfur trioxide, and sulfuric acid.

F. The owner or operator of any mining property subject to the provisions of this Section shall record the daily process rates and hours of operation of all material handling facilities.

G. A continuous monitoring system for measurement sulfur dioxide emissions shall be installed, calibrated, maintained and operated by the owner or operator where dryers or roasters are not expected to achieve compliance with the standard under subsection (E) of this Section.

H. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standard prescribed in this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;
- b. Method 1 for sample and velocity traverses;

- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis and calculation of excess air, using the integrated sample technique;
- e. Method 6 for concentration of SO<sub>2</sub>;

2. For Method 5, Method 1 shall be used to select the sampling site and the number of traverse sampling points. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf), except that smaller sampling times or volumes, when necessitated by process variables of other factors, may be approved by the control officer. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature no greater than 160°C. (320°F).

3. For Method 6, the sampling site shall be the same as that selected for Method 5. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft.). For Method 6, the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

4. For Method 6, the minimum sampling time shall be 20 minutes and the minimum sampling volume 0.02 dscm (0.71 dscf) for each sample. The arithmetic mean of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals. (Ord. 1993-128 § 4, 1993)

#### 17.16.370 Standards of performance for gravel or crushed stone processing plants.

A. The provisions of this Section are applicable to the following affected facilities: primary rock crushers, secondary rock crushers, tertiary rock crushers, screens, conveyors and conveyor transfer points, stackers, reclaimers, and all gravel or crushed stone processing plants and rock storage piles.

B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere except as fugitive emissions in any one hour from any gravel or crushed stone processing plant in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. Spray bar pollution controls shall be utilized in accordance with "EPA Control of Air Emissions From Process Operations In The Rock Crushing Industry" (EPA 340/1-79-002), "Wet Suppression System" (pages 15-34), amended as of January, 1979 (and no future amendments or editions), as incorporated herein by reference and on file with the Office of the Secretary of State, with placement of spray bars and nozzles as required by the control officer to minimize air pollution.

E. Fugitive emissions from gravel or crushed stone processing plants shall be controlled in accordance with 17.16.070 through 17.16.110.

F. The owner or operator of any affected facility subject to the provisions of this Section shall install, calibrate, maintain, and operate monitoring devices which can be used to determine daily the process weight of gravel or crushed stone produced. The weighing devices shall have an accuracy of  $\pm$  five percent over their operating range.

G. The owner or operator of any affected facility shall maintain a record of daily production rates of gravel or crushed stone produced.

H. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in this Section as follows:

- a. Method 4 and 5 for concentration of particulate matter and moisture content.
- b. Method 1 for sample and velocity traverses.
- c. Method 2 for velocity and volumetric flow rate.
- d. Method 3 for gas analysis.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume is 0.85 dscm (30 dscf), except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the control officer. Sampling shall not be started until 30 minutes after start-up and shall be terminated before shutdown procedures commence. The owner or operator of the affected facility shall eliminate cyclonic flow during performance tests in a manner acceptable to the control officer. (Ord. 1993-128 § 4, 1993)

#### **17.16.380 Standards of performance for concrete batch plants.**

Fugitive dust emitted from concrete batch plants shall be controlled in accordance with 17.16.070 through 17.16.110. (Ord. 1993-128 § 4, 1993)

#### **17.16.400 Organic solvents and other organic materials.**

A. No person shall transport or store VOCs without taking necessary and feasible measures to control evaporation, leakage or other discharge into the atmosphere.

B. Emissions of organic solvents from dry cleaning equipment not using perchloroethylene shall be minimized by applying the following controls:

1. Pipe and hose fittings, flanges, valves, seals, storage-container covers, and other equipment must be serviced and maintained so that no liquid solvent leaks from any portion of the equipment;

2. Solvents must be stored in closed containers whose vents are no larger than the minimum diameter necessary for breathing;

3. Equipment, openings (e.g., washer lint traps, button traps, access doors, and other parts) must be kept closed except as required for proper operation and maintenance;

4. A dry cleaning operation which used chlorinated synthetic solvents other than perchloroethylene shall:

- a. Cook the residual diatomaceous earth (in the solvent filter) sufficiently so that the wet material contains no more than twenty-five percent solvent (by weight) before being exposed to the atmosphere,

b. Prevent exposure to the atmosphere of residue from the solvent which contains more than sixty percent solvent by weight, and

c. Drain the cartridge filters for at least twenty-four hours in the filter housing before disposing in accordance with applicable rules for hazardous waste, as the case may apply; and

5. A newly installed dry cleaning system or machine not using perchloroethylene and having a rated capacity of at least thirty pounds must be constructed, operated, and maintained so as to reduce emissions from the washer and dryer exhaust by at least ninety percent.

6. Dry cleaning equipment using perchloroethylene shall comply with the provisions of 40 CFR 63, Subpart M (as amended) and chapter 17.16, Article VII.

C. This subsection applies only to surface coating, solvent surface cleaning, and solvent degreasing, and other operations engaged in the employment or application of organic solvents. The provisions of 40 CFR 52.254, (b) through (n) in effect on July 1, 1993 are hereby adopted by reference and made a part hereof. 40 CFR 52.254 (b) shall apply to new sources only.

1. No person shall conduct any spray paint operation without minimizing organic solvent emissions. Such operations other than architectural coating and spot painting, shall be conducted in an enclosed area equipped with controls containing no less than 96 percent of the overspray.

2. No owner or operator of a facility engaged in the surface coating of miscellaneous metal parts and products may operate a coating application system subject to this Section that emits volatile organic compounds in excess of any of the following:

a. 4.3 pounds per gallon (0.5 kilograms per liter) of coating, excluding water, delivered to a coating applicator that applies clear coatings.

b. 3.5 pounds per gallon (0.42 kilograms per liter) of coating, excluding water delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to 194°F (90°C).

c. 3.5 pounds per gallon (0.42 kilograms per liter) of coating, excluding water, delivered to a coating applicator that applies extreme performance coatings.

d. 3.0 pounds per gallon (0.36 kilograms per liter) of coating, excluding water, delivered to a coating applicator for all other coatings and coating application systems.

3. If more than one emission limitation in subdivision 2 of this subsection applies to a specific coating, then the least stringent emission limitation shall be applied.

4. All VOC emissions from solvent washings shall be considered in the emission limitations in subdivision 2 of this subsection, unless the solvent is directed into containers that prevent evaporation into the atmosphere.

D. This subsection applies to sources of VOCs not covered by subsections B and C of this section. No person shall operate any process, machine, article, equipment or other contrivance having the capability of emitting more than 2.4 lbs/day of VOCs without reducing actual emissions and concentration through the following:

1. The source operator shall propose RACT for each new applicable source prior to installing or operating the source. The control officer will review and approve/disapprove each proposed RACT on a case by case basis.

E. No person shall store or remediate soil contaminated with organic materials that emits more than 2.4 lbs/day of a regulated air pollutant without reducing

actual emissions and concentration through the use of RACT approved by the control officer.

F. This rule does not apply to operations that are specifically covered in 17.16.230 of this Title. (Ord. 1994-83 § 57, 1994: Ord. 1993-128 § 4 (part), 1993; Ord. 1991-136 § 13, 1991; Ord. 1987-175 § 21, 1987; Ord. 1983-196 (part), 1983; Ord. 1979-93 (part), 1979)

#### 17.16.410 Standards of performance for cotton gins.

A. Fugitive dust, lint, bolls, cotton seed or other material emitted from a cotton gin or lying loose in a yard shall be collected and disposed of in an efficient manner or shall be treated in accordance with 17.16.070 through 17.16.110.

B. An opacity of 40 percent or less shall exempt the source from mass emissions testing. In the event that the cotton gin does not comply with the 40 percent opacity standard, the owner or operator may request the permission of the control officer to perform a mass emissions test observed by a representative of the Control Officer. Successful completion of this test will result in an adjustment to the simultaneous opacity standard in accordance with 17.16.130.E.

C. No person shall cause, allow, or permit the discharge of particulate matter into the atmosphere in any one hour from any cotton gin in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 4.10P^{0.67}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 55.0P^{0.11} - 40$$

where "E" and "P" are defined as indicated in subdivision 1 of this subsection.

D. The test methods and procedures required by this Section are as follows:

1. The reference methods in the Arizona Testing Manual and 40 CFR 60, Appendix A shall be used to determine compliance with this Section as follows:

- a. Method A-2 for the measurement of particulate matter.
- b. Method 1 for sample and velocity traverses.
- c. Method 2 for velocity and volumetric flow rate.
- d. Method 3 for gas analysis.
- e. Method 9 for visible emissions.

2. For Method A-2, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dry standard cubic meters per hour (0.53 dry standard cubic feet per minute), except that shorter sampling times, when necessitated by progress variables or other factors, may be approved by the control officer. (Ord. 1993-128 § 4, 1993; Ord. 1989-165 § 18, 1989; Ord. 1983-196 (part), 1983)

#### 17.16.420 Standards of performance for ammonium sulfide manufacturing plants.



**17.16.420 Standards of performance for ammonium sulfide manufacturing plants.**

A. The provisions of this Section are applicable to the following affected facilities in ammonium sulfide manufacturing plants: sulfide unloading facilities, reactor-absorbers, bubble cap scrubbers, and fume incinerators.

B. No person shall cause, allow or permit to be emitted into the atmosphere, from any type of incinerator or other outlet smoke, fumes, gases, particulate matter or other gas-borne material, the opacity of which exceeds 20 percent.

C. No person shall cause, allow or permit to be emitted into the atmosphere from any emission point from any incinerator, or to pass a convenient measuring point near such emission point, particulate matter of concentrations in excess of 0.08 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12 percent carbon dioxide.

D. No person shall allow hydrogen sulfide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume for any averaging period of 30 minutes or more.

E. The owner or operator of any ammonium sulfide tailgas incinerator subject to the provisions of this Section shall do both of the following:

1. Install, calibrate, maintain, and operate a flow measuring device which can be used to determine either the mass or volume of tailgas charged to the incinerator. The flow measuring device shall have an accuracy of +5 percent over its operating range.

2. Provide access to the tailgas charged so that a well-mixed representative grab sample can be obtained.

F. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis and calculation of excess air, using the integrated sample technique;
- e. Method 11 shall be used to determine the concentration of H<sub>2</sub>S and Method 6 shall be used to determine the concentration of SO<sub>2</sub>.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that shorter sampling times and smaller sample volumes, when necessitated by process variables or other factors, may be approved by the control officer.

3. Particulate matter emissions, expressed in g/dscm, shall be corrected to 12 percent CO<sub>2</sub> by using the following formula:

$$C_{12} = \frac{12c}{\%CO_2}$$

where:

C<sub>12</sub> = the concentration of particulate matter corrected to 12 percent CO<sub>2</sub>,

c = the concentration of particulate matter as measured by Method 5, and

**17.16.420 Standards of performance for ammonium sulfide manufacturing plants.**

A. The provisions of this Section are applicable to the following affected facilities in ammonium sulfide manufacturing plants: sulfide unloading facilities, reactor-absorbers, bubble cap scrubbers, and fume incinerators.

B. No person shall cause, allow or permit to be emitted into the atmosphere, from any type of incinerator or other outlet smoke, fumes, gases, particulate matter or other gas-borne material, the opacity of which exceeds 20 percent.

C. No person shall cause, allow or permit to be emitted into the atmosphere from any emission point from any incinerator, or to pass a convenient measuring point near such emission point, particulate matter of concentrations in excess of 0.08 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12 percent carbon dioxide.

D. No person shall allow hydrogen sulfide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume for any averaging period of 30 minutes or more.

E. The owner or operator of any ammonium sulfide tailgas incinerator subject to the provisions of this Section shall do both of the following:

1. Install, calibrate, maintain, and operate a flow measuring device which can be used to determine either the mass or volume of tailgas charged to the incinerator. The flow measuring device shall have an accuracy of +5 percent over its operating range.

2. Provide access to the tailgas charged so that a well-mixed representative grab sample can be obtained.

F. The test methods and procedures required by this Section are as follows:

1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in this Section as follows:

- a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;
- b. Method 1 for sample and velocity traverses;
- c. Method 2 for velocity and volumetric flow rate;
- d. Method 3 for gas analysis and calculation of excess air, using the integrated sample technique;
- e. Method 11 shall be used to determine the concentration of H<sub>2</sub>S and Method 6 shall be used to determine the concentration of SO<sub>2</sub>.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that shorter sampling times and smaller sample volumes, when necessitated by process variables or other factors, may be approved by the control officer.

3. Particulate matter emissions, expressed in g/dscm, shall be corrected to 12 percent CO<sub>2</sub> by using the following formula:

$$C_{12} = \frac{12c}{\%CO_2}$$

where:

C<sub>12</sub> = the concentration of particulate matter corrected to 12 percent CO<sub>2</sub>,  
c = the concentration of particulate matter as measured by Method 5, and

%CO<sub>2</sub> = the percentage of CO<sub>2</sub> as measured by Method 3, or, when applicable, the adjusted outlet CO<sub>2</sub> percentage.

4. If Method 11 is used, the gases sampled shall be introduced into the sampling train at approximately atmospheric pressure. Where fuel gas lines are operating at pressures substantially above atmosphere, this may be accomplished with a flow control valve. If the line pressure is high enough to operate the sampling train without a vacuum pump, the pump may be eliminated from the sampling train. The sample shall be drawn from a point near the centroid of the fuel gas line. The minimum sampling time shall be 10 minutes and the minimum sampling volume 0.01 dscm (0.35 dscf) for each sample. The arithmetic average of two samples of equal sampling time shall constitute one run. Samples shall be taken at approximately one-hour intervals. For most fuel gases, sample times exceeding 20 minutes may result in depletion of the collecting solution, although fuel gases containing low concentrations of hydrogen sulfide may necessitate sampling for longer periods of time.

5. If Method 5 is used, Method 1 shall be used for velocity traverses and Method 2 for determining velocity and volumetric flow rate. The sampling site for determining CO<sub>2</sub> concentration by Method 3 shall be the same as for determining volumetric flow rate by Method 2. The sampling point in the duct for determining SO<sub>2</sub> concentration by Method 3 shall be at the centroid of the cross section if the cross sectional area is less than 5 m<sup>2</sup> (54 ft<sup>2</sup>) or at a point no closer to the walls than 1 m (3.28 feet) if the cross sectional area is 5 m<sup>2</sup> or more and the centroid is more than one meter from the wall. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The minimum sampling time shall be ten minutes and the minimum sampling volume 0.01 dscm (0.36 dscf) for each sample. The arithmetic average of two samples of equal sampling time shall constitute one run. Samples shall be taken at approximately one-hour intervals. (Ord. 1993-128 § 4, 1993)

#### 17.16.430 Standards of performance for unclassified sources.

A. No existing source which is not otherwise subject to standards of performance under this Article or Chapter 17.16, Article VI or Chapter 17.16, Article VII shall cause or permit the emission of pollutants at rates greater than the following:

1. For particulate matter discharged into the atmosphere in any one hour from any unclassified process source in total quantities in excess of the amounts calculated by one of the following equations:

a. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 3.59P^{0.62}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight in tons-mass per hour.

b. For process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 17.31P^{0.16}$$

where "E" and "P" are defined as indicated in paragraph a of this subdivision.

2. Sulfur dioxide -- 600 parts per million.

3. Nitrogen oxides expressed as NO(2) -- 500 parts per million.

B. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

C. The actual values shall be calculated from the applicable equations and rounded off to two decimal places.

D. No person shall emit gaseous or odorous materials from equipment, operations or premises under his control in such quantities or concentrations as to cause air pollution.

E. No person shall operate or use any machine, equipment or other contrivance for the treatment or processing of animal or vegetable matter, separately or in combination, unless all gaseous vapors and gas entrained effluents from such operations, equipment or contrivance have been either:

1. Incinerated to destruction, as indicated by a temperature measuring device, at not less than 1,200 degrees Fahrenheit if constructed or reconstructed prior to January 1, 1989, or 1600 degrees Fahrenheit with a minimum residence time of 0.5 seconds if constructed or reconstructed thereafter; or

2. Passed through such other device which is designed, installed and maintained to prevent the emission of odors or other air contaminants and which is approved by the control officer.

F. Materials including solvents or other volatile compounds, paints, acids, alkalies, pesticides, fertilizers and manure shall be processed, stored, used and transported in such a manner and by such means that they will not evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution. Where means are available to reduce effectively the contribution to air pollution from evaporation, leakage or discharge, the installation and use of such control methods, devices, or equipment shall be mandatory.

G. Where a stack, vent or other outlet is at such a level that fumes, gas mist, odor, smoke, vapor or any combination thereof constituting air pollution are discharged to adjoining property, the control officer may require the installation of abatement equipment or the alteration of such stack, vent or other outlet by the owner or operator thereof to a degree that will adequately dilute, reduce or eliminate the discharge of air pollution to adjoining property.

H. No person shall allow hydrogen sulfide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume for any averaging period of 30 minutes or more.

I. No person shall cause, allow or permit discharge from any stationary source carbon monoxide emissions without the use of complete secondary combustion of waste gases generated by any process source.

J. No person shall allow hydrogen cyanide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.3 parts per million by volume for any averaging period of eight hours.

K. No person shall allow sodium cyanide dust or dust from any other solid cyanide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 140 micrograms per cubic meter for any averaging period of eight hours. (Ord. 1994-83 § 58, 1994: Ord. 1993-128 § 4 (part), 1993)

**17.16.520 Standards of performance for storage vessels for petroleum liquids.**

**17.16.520 Standards of performance for storage vessels for petroleum liquids.**

In addition to 40 CFR 60.110-60.113:

1. Any petroleum liquid storage tank of less than 40,000 gallons (151,412 liters) capacity shall be equipped with a submerged filling device or acceptable equivalent as determined by the control officer for the control of hydrocarbon emissions.

2. All facilities for dock loading of petroleum products having a vapor pressure of 2.0 pounds per square inch absolute, or greater, at loading pressure shall provide for submerged filling or other acceptable equivalent for control of hydrocarbon emissions.

3. All pumps and compressors which handle volatile organic compounds shall be equipped with mechanical seals or other equipment of equal efficiency to prevent the release of organic contaminants into the atmosphere. (Ord. 1993-128 § 4, 1993)

**17.16.590 Permit requirements for sources located in attainment and unclassifiable areas.**

~~A. Except as provided in Subsections B. through G. of this section and 17.16.610, Innovative control technology, no permit or permit revision under this Article shall be issued to a person proposing to construct a new major source or make a major modification to a major source that would be constructed in an area designated as attainment or unclassifiable for any pollutant unless the source or modification meets the following conditions:~~

~~1. A new major source shall apply best available control technology (BACT) for each pollutant listed in 17.04.340 (221)(a) for which the potential to emit is significant.~~

~~2. A major modification shall apply BACT for each pollutant listed in 17.04.340 (221)(a) for which the modification would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.~~

~~3. For phased construction projects, the determination of BACT shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of each independent phase of the project. At such time the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of BACT for the source.~~

~~4. BACT shall be determined on a case by case basis and may constitute application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques, for control of such pollutant. In no event shall such application of BACT result in emissions of any pollutant, which would exceed the emissions allowed by any applicable new source performance standard or national emission standard for hazardous air pollutants under Articles VI and IX of this chapter. If the control officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.~~

~~5. The person applying for the permit or permit revision under this Article performs an air impact analysis and monitoring as specified in 17.16.600 and such analysis demonstrates that allowable emission increases from the~~

~~proposed new major source or major modification, in conjunction with all other applicable emission increases or reductions, including secondary emissions, for all pollutants listed in Table 17.08.150, and minor and mobile sources for oxides of nitrogen.~~

~~a. Would not cause or contribute to an increase in concentrations of any pollutant by an amount in excess of any applicable baseline concentration in Table 17.08.150 for any attainment or unclassified area, or~~

~~b. Would not contribute to an increase in ambient concentrations for a pollutant by an amount in excess of the significance level for such pollutant in any area in which Arizona primary or secondary ambient air quality standards for that pollutant are being violated. A new major source of volatile organic compounds or oxides of nitrogen, or a major modification to a major source of volatile organic compounds or oxides of nitrogen shall be presumed to contribute to violations of the Arizona ambient air quality standards for ozone if it will be located within fifty (50) kilometers of a nonattainment area for ozone. The presumption may be rebutted for a new major source or major modification if it can be satisfactorily demonstrated to the control officer that emissions of volatile organic compounds or oxides of nitrogen from the new major source or major modification will not contribute to violations of the Arizona ambient air quality standards for ozone in adjacent nonattainment areas for ozone. Such a demonstration shall include a showing that topographical, meteorological or other physical factors in the vicinity of the new major source or major modification are such that transport of volatile organic compounds emitted from the source are not expected to contribute to violations of the ozone standards in the adjacent nonattainment areas.~~

6. Air quality models:

a. All estimates of ambient concentrations required under this Section shall be based on the applicable air quality models, data basis, and other requirements specified in the "Guideline on Air Quality Models (Revised)" (EPA-450/2-78-027R, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, research Triangle Park, N.C. 27711, July 1986), and "Supplement B to the Guideline on Air Quality Models" (U.S. Environmental Protection Agency, September 1990). Both documents shall be referred to hereinafter as "Guideline", and are adopted by reference and on file with the Secretary of State and with the Department.

b. Where an air quality impact model specified in the "Guideline" is inappropriate, the model may be modified or another model substituted. Such a change shall be subject to notice and opportunity for public comment. Written approval of the EPA Administrator shall be obtained for any modification or substitution.

~~B. The requirements of this Section shall not apply to a new major source or major modification to a source with respect to a particular pollutant if the person applying for the permit or permit revision under this Article demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment for the pollutant.~~

~~C. The requirements of this Section shall not apply to a new major source or major modification of a source if such source or modification would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source is not either among the Categorical Sources listed in Chapter 17.04, Article IX or belongs to the category of sources for which New Source Performance Standards under 40 CFR Part 60 or National Emission Standards for Hazardous Air Pollutants under 40 CFR Part 61 promulgated by the Administrator prior to August 7, 1980.~~

~~D. The requirements of this section shall not apply to a new major source or major modification to a source when the owner of such source is a nonprofit health or educational institution.~~

~~E. The requirements of this Section shall not apply to a portable source which would otherwise be a new major source or major modification to an existing source if such portable source is temporary, is under a permit or permit revision under this Article, is in compliance with the conditions of that permit or permit revision under this Article, the emissions from the source will not impact a Class I area nor an area where an applicable increment is known to be violated, and reasonable notice is given to the control officer prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the control officer not less than 10 calendar days in advance of the proposed relocation unless a different time duration is previously approved by the control officer.~~

~~F. Special rules applicable to Federal Land Managers:~~

~~1. Notwithstanding any other provision of this Section, a Federal Land Manager may present to the control officer a demonstration that the emissions attributed to such new major source or major modification to a source will have significant adverse impact on visibility or other specifically defined air quality related values of any Federal Mandatory area designated in 17.08.100.B, regardless of the fact that the change in air quality resulting from emissions attributable to such new major source or major modification to a source in existence will not cause or contribute to concentrations which exceed the maximum allowable increases for a Class I area specified in Table 17.08.150. If the control officer concurs with such demonstrations, the permit or permit revision under this Article shall be denied.~~

~~2. If the owner or operator of a proposed new major source or a source for which major modification is proposed demonstrates to the Federal Land Manager that the emissions attributable to such major source or major modification will have no significant adverse impact on the visibility or other specifically defined air quality related values of such areas and the Federal Land Manager so certifies to the control officer, the control officer may issue a permit or permit revision under this Article notwithstanding the fact that the change in air quality resulting from emissions attributable to such new major source or major modification will cause or contribute to concentrations which exceed the maximum allowable increases for a Class I area. Such a permit or permit revision under this Article shall require that such new major source or major modification comply with such emission limitations as may be necessary to assure that emissions will not cause increases in ambient concentrations greater than the following maximum allowable increases over baseline concentrations for such pollutants:~~

		<del>Maximum Allowable Increase</del> <del>(Micrograms per cubic meter)</del>
<del>Sulfur Oxide</del>		
<del>Period of exposure</del>		
<del>Low terrain areas:</del>		
<del>24 hour maximum</del>		<del>36</del>
<del>3 hour maximum</del>		<del>130</del>
<del>High terrain areas:</del>		
<del>24 hour maximum</del>		<del>62</del>
<del>4 hour maximum</del>		<del>221</del>

~~G. The issuance of a permit or permit revision under this Article in accordance with this Section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.~~

~~H. At such time that a particular source or modification becomes a major source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this Section shall apply to the source or modification as though construction had not yet commenced on the source or modification.~~

17.16.620 Air quality models.

A. Where the control officer requires a person requesting a permit or permit revision under this Article to perform air quality impact modeling to obtain such permit or permit revision under this Article, the modeling shall be performed in a manner consistent with the "Guideline on Air Quality Models (Revised)".

B. Where the person requesting a permit or permit revision under this Article can demonstrate that an air quality impact model specified in the "Guideline" is inappropriate, the model may be modified or another model substituted. However, before such modification or substitution can occur the control officer shall make a written finding that:

1. No model in the "Guideline" is appropriate for a particular permit or permit revision under this Article under consideration, or,

2. The data base required for the appropriate model in the "Guideline" is not available; and,

3. The model proposed as a substitute or modification is likely to produce results equal or superior to those obtained by models in the "Guideline"; and

4. The model proposed as a substitute or modification has been approved by the Administrator.

C. Use of a modified or substituted model shall be subject to notice and opportunity for public comment pursuant to 17.12.340. (Ord. 1993-128 § 4, 1993)



# **ATTACHMENT 7**

**EVIDENCE THAT PUBLIC PARTICIPATION  
REQUIREMENTS OF 40 CFR 51.102 ARE SATISFIED:**

- A) PUBLIC NOTICE**
- B) EVIDENCE OF PUBLIC HEARING**
- C) WRITTEN COMMENTS RECEIVED**
- D) RESPONSE TO COMMENTS**

**Public Hearing Presiding Officer Certification**

I, David M. Esposito, the designated Presiding Officer, do hereby certify that the public hearing held by the Pima Department of Environmental Quality (PDEQ) was conducted on August 8, 1994, in the Tucson Main Library public meeting room, 101 North Stone Avenue, Tucson, Arizona. The public hearing was conducted in accordance with the public notice requirements through publication in Tucson's Daily Territorial dated July 8, 1994. Furthermore, I do hereby certify that the public hearing was electronically recorded from the opening of the public record through concluding remarks and closing, and the audio cassette available at PDEQ, 130 West Congress, Tucson, Az., 85701 contains a full, true, and correct record of the above-referenced public hearing. The following attachments to this certification contain a non-verbatim written transcription of the proceeding, written comments received by the Department, and departmental responses to both written comments, as well as any statements made during the hearing.

Dated this 30th day of August.

DM Esposito

State of Arizona       )  
                              ) ss.  
County of Pima        )

Subscribed and sworn to before me by  
the 30th day of August, 1994.

David M. Esposito

Vicki L. Benne  
Notary Public

My commission expires:

My Commission Expires November 25, 1995

**NON-VERBATIM TRANSCRIPT OF PUBLIC HEARING CONDUCTED BY:**

**Pima County Department of Environmental Quality**

**9:00 a.m., Monday, August 8, 1994**

**Public Library Conference Room  
101 North Stone Avenue  
Tucson, Arizona 85701**

**In the matter of the Proposed Submittal of a Revision to the  
New Source Review / Prevention of Significant Deterioration  
State Implementation Plan**

PDEQ NEW SOURCE REVIEW  
PREVENTION OF SIGNIFICANT DETERIORATION  
STATE IMPLEMENTATION PLAN PUBLIC HEARING MINUTES  
August 8, 1994, 9:00 a.m.  
Public Library Conference Room  
101 N. Stone Avenue  
Tucson, AZ 85701

Attendees:

David Esposito, PDEQ  
Kathy Clayton, PDEQ  
Martha Salvato, PDEQ  
Doug LaGrange, PDEQ  
John Bernardo, PDEQ  
Richard Grimaldi, PDEQ  
Richard McKee, Deputy County Attorney  
Glynis Coulter, Weiser Lock  
Cosimo DeMasi, Tucson Electric Power  
Katy Young, Young Block Company  
Dan Karl, Rutter Environment,  
Patricio Silva, Pima Association of Governments  
Ken Kubacki, Granite Construction  
Amy Porter, Lewis and Roca  
Frank Bangs, Lewis and Roca  
Ben Dorris, Tucson Rock and Sand  
Dave Kirby, PC WWM  
Ed Marsh, Hughes Missile Systems Co.  
Michael Broussard, Huck International  
Tom Collier, Tucson Chamber of Commerce  
Rafael Bradly

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Mr. Esposito thanked ADEQ and those attending for coming to the hearing. He stated that the purpose of the meeting was to take public comment on the portion of the air quality rules that are being considered for submittal to EPA as part of the State Implementation Plan for New Source Review (NSR) Prevention of Significant Deterioration (PSD).

There are two options that are currently under consideration to achieve the requirements of the SIP submittal. Both options and the advantages and disadvantages of each option are outlined in a handout being distributed. Mr. Esposito explained the options as follows:

- A. Submit entire package related to NSR/PSD program for Class I and Class II sources.

Advantages:

- Increases potential for approval by EPA;
- Solves synthetic minor issue immediately; and
- Creates a mechanism for emission offset credits for minor sources.

Disadvantages:

- Rules must be modified within 12 months to clarify limits of federal enforceability; and
- Subsequent submittal of modified rules may be construed as backsliding by EPA.

- B. Submit a rule package related to NSR/PSD program for Class I and Class II sources that has been edited to limit federal enforceability.

Advantages:

- Consistent with proposed ADEQ approach; and
- Clarifies immediately that federal enforceability only applies to preconstruction and modification activities.

Disadvantages:

- Reduces potential for EPA approval;
- May be construed as rulemaking;
- Fails to address synthetic minor and emissions offset credit issues; and
- Creates confusion on matters of federal enforceability.

Mr. Esposito stated that written comments may be submitted until 5:00 p.m. on August 22, 1994. The second option will have some rules modified and redacted for public review prior to submittal. If you are interested in that, see staff after the meeting.

Amy Porter proposed a third option to the NSR/PSD submittal. She explained the background involved in her suggestion. As a result of the 1990 amendments, there were some changes in federal law which required modification of the PSD and NSR programs. Ms. Porter stated that in January of 1992, EPA sent ADEQ a Notice of Deficiency advising ADEQ that the state plan, which includes the county plans, did not meet the new requirements. Under federal law, ADEQ has 18 months to rectify. Ms. Porter stated that EPA acknowledged in a recent conference telephone call with ADEQ that a Notice of Deficiency was not issued for minor source permitting program needing to be submitted for NSR and PSD purposes. Ms. Porter suggested submitting whatever needs to be submitted to EPA to cure the deficiency that was noted in January, 1992. She stated that her approach would be to back away from submitting the redacted version as it was too confusing. Ms. Porter stated that she felt the confusion was due to the two highlighted versions, some of the county's rules being approved and enforceable by EPA under Title V and some being part of the SIP, either minor sources or major sources.

Ms. Porter stated that during a conversation with a former colleague regarding the issue of backsliding, she was made aware that this is a larger issue in some of the other Regions of EPA than Region IX. If all Regions are consistent, this might become a problem in Region IX. Ms. Porter explained that the third option would be a simple synthetic minor rule and a simplified version of CFR 51.161. This does not require a permit program, just an enforceable procedure to review minor sources.

Mr. Broussard asked how this relates to 17.12.150, Transition. Ms. Clayton stated that staff did not list this in the notice for possible inclusion. This section states that if you currently hold an installation or operating permit that you maintain that permit until the permit is terminated or a unitary permit is obtained. However, Ms. Clayton stated that this may be included in the SIP.

Mr. Broussard asked why the Pima County's comment period is different from ADEQ's. Mr. Esposito stated that ADEQ shortened their timeframe for comments so that they could meet the 17th deadline.

Ms. Clayton asked Ms. Porter if staff submitted the major package as noted, what comments would she have to offer. Ms. Porter stated that she may have comments later, but has currently been focusing on the emergency issue.

Ms. Clayton asked Ms. Porter if EPA stated an intent to issue a new Notice of Deficiency. Ms. Porter stated that she did not know and referred Ms. Clayton to ADEQ staff who participated in the telephone conference call with EPA.

Ms. Porter said that ADEQ had a valid legal argument because the statute creating the new program contained a clause stating that anything that was already approved continues to be part of the SIP.

Ms. Clayton asked Ms. Porter if she would prefer the redacted version to the whole package. Ms. Porter replied that she would prefer the redacted version.

Ms. Coulter asked with Option A, how this would relate to future Title 17 amendments. Mr. Esposito stated that the major criteria that staff has been using in making modifications to Title 17, are that nothing would become deregulated that currently has pollution control requirements on it. To change the rules, staff has to demonstrate to EPA that the county is not backsliding.

Mr. Esposito thanked everyone for coming to the hearing. He requested that anyone wanting a copy of the second option to either indicate their request on the sign-in sheet or call staff. Mr. Esposito said that the comment period will close on August 22, 1994, and the staff contact person is Martha Salvato.

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NOTICE TO CREDITORS  
A. Curti has been appointed Per-  
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against the estate are required to  
present their claims within four  
months after the date of the first  
publication of this Notice or the  
claims will be forever barred.  
Claims must be presented by de-  
livering or mailing a written state-  
ment of the claim to the Personal  
Representative or attorney at the  
address listed below.  
DATED: JUNE 16, 1994 Thomas  
A. Curti Thomas A. Curti Personal  
Representative 330 N. Granada  
Ave, Tucson, AZ 85701.  
Pub: The Daily Territorial  
June 27, 1994  
July 5, 11, 1994

Req: Thomas A. Curti, Atty.  
critegar 6/27/94 st

NOTICE TO CREDITORS  
IN THE SUPERIOR COURT  
OF THE STATE OF ARIZONA  
IN AND FOR THE  
COUNTY OF PIMA

In the Matter of the Estate of  
ROLLA V. KESSLER, Deceased.  
NO. P23852 NOTICE TO CRE-  
DITORS  
NOTICE IS HEREBY GIVEN that  
JAMES R. KESSLER has been  
appointed Personal Representative  
of this Estate. All persons  
having claims against the Estate  
are required to present their  
claims within four months after  
the date of the first publication of  
this notice or the claims will be  
forever barred. Claims must be  
presented by delivering or mail-  
ing a written statement of the  
claim to the Personal Representa-  
tive c/o Phillip H. Larriva, 268  
E. River Rd., Tucson, Arizona  
85704.  
DATED this 14th day of June,  
1994, James R. Kessler JAMES  
R. KESSLER 4337 E. 5th St.  
Tucson, Arizona 85711  
By Phillip Larriva PHILLIP H.  
LARRIVA 268 E. River Rd., #150  
Tucson, Arizona 293-1234 Attor-  
ney for Personal Representative  
Pub: The Daily Territorial  
June 27, 1994  
July 5, 11, 1994

Req: Phillip H. Larriva,  
Attorney  
crkesale 5/27/94 st

Hearing  
Notice

NOTICE OF HEARING  
SUPERIOR COURT OF  
ARIZONA PIMA COUNTY  
JUVENILE COURT

In the matter of: Nicholas Ryan  
Middleton A Minor No. S-123217  
AMENDED NOTICE OF HEAR-  
ING OF PETITION TO TERMI-  
NATE PARENT-CHILD RELA-  
TIONSHIP  
Petitioners, GINGER L. MIDDLE-  
TON and LEE A. MIDDLETON,  
having filed with this Court a ven-  
ued Petition to Terminate Parent-  
Child Relationship between NI-  
CHOLAS RYAN MIDDLETON and  
the birth father Joseph Ray-  
khorn.  
NOTICE IS HEREBY GIVEN that  
the hearing on the Petition to  
Terminate Parent-Child Relation-  
ship will be heard on the 11 day  
of August, 1994, at the hour of  
8:20 o'clock a.m. in the Juvenile  
Division of the Pima County  
Superior Court, 2225 E. Ajo, Tuc-

the Personal Representative has  
filed with the court a Petition for  
Reformation of Trust. Interested  
persons are referred to the peti-  
tion, with exhibits, which is on file  
with this court.  
Hearing has been set to consider  
the Petition at the Pima County  
Superior Court, 110 West Con-  
gress, Tucson, Arizona, on the  
29 day of July, 1994, at 9:00  
A.M.  
DATED this 5 day of July, 1994,  
Fred A. Farsjo Fred A. Farsjo  
Attorney for Personal Representa-  
tive  
Pub: The Daily Territorial  
July 7, 8, 11, 1994  
Req: Gabroy, Rollman &  
Boase, P.C.  
hrensitt 7/7/94 st

Pima County

POEQ  
PUBLIC HEARING NOTICE

The Pima County Department of  
Environmental Quality (POEQ)  
will hold a public hearing on Au-  
gust 8, 1994, 9:00 a.m., at the  
Tucson Main Library, 101 North  
Stone Avenue, Basement Meet-  
ing Room. The purpose of the  
hearing is to discuss Pima  
County air quality rules that are  
proposed to be submitted as part  
of the Arizona State Implementa-  
tion Plan (SIP) for New Source  
Review/Prevention of Significant  
Deterioration (NSR/PSD). The  
1990 Clean Air Act Amendments  
included revisions to NSR and  
PSD which Arizona, including  
Pima County's Air Quality Control  
District, must incorporate into its  
SIP to remain in conformance  
with federal law.  
The proposed SIP revision in-  
cludes the following rules from  
Title 17 of the Pima County  
Code, as they pertain to Class I  
sources (major sources):  
17.04.070; 17.04.340; 17.04.420;  
17.08.020-17.08.100; 17.08.150;  
17.12.040-17.12.070; 17.12.120;  
17.12.140; 17.12.160-17.12.210;  
17.12.230-17.12.340; 17.12.360;  
17.16.010-17.16.020;  
17.16.040-17.16.130;  
17.16.160-17.16.430; 17.16.520;  
17.16.550-17.16.640. The above  
rules may also be proposed for  
inclusion as they apply to class II  
sources (minor sources).  
The inclusion of Class II source  
rules in the SIP is of special  
concern to the Arizona Depart-  
ment of Environmental Quality  
(ADEQ) and POEQ. The Environ-  
mental Protection Agency has  
encouraged Arizona to include  
Class II rules in the SIP. One of  
the benefits of including Class II  
rules in the SIP is the ability to  
create federally enforceable per-  
mit conditions which a source  
may voluntarily assume to avoid  
Class I status and the corres-  
ponding requirements (a.k.a. syn-  
thetic minor status). The effects  
of including these rules on other  
types of minor sources is not  
completely understood at this  
time. POEQ and ADEQ are en-  
couraging interested parties to  
submit comments on whether  
rules relating to Class II sources  
should also be included in the  
submittal.  
ADEQ will hold a public work-  
shop to address the question of  
Class II rule inclusion in the SIP  
submittal on July 25, 1994, be-  
ginning at 9:00 a.m. in the ADEQ  
Public Meeting Room, 3033 N.  
Central Ave., Phoenix, AZ.

DID INVOICES

NOTICE OF  
CALL FOR BIDS

BID #229 - HOUSING REHABILI-  
TATION  
QUE IN AND OPENS: JULY 21,  
1994 AT 3:00 P.M. MST IN THE  
9TH FLOOR LOBBY CONFER-  
ENCE ROOM, 130 W. CON-  
GRESS, TUCSON, AZ 85701.  
DESCRIPTION: To furnish all  
supervision, technical personnel,  
labor, material equipment, tools,  
transportation services, licenses  
and permits required to perform  
and complete necessary rehabili-  
tation work on property under  
specifications as called for by  
Pima County Community Ser-  
vices Division.  
NO BONDS REQUIRED  
Bids may be obtained at the  
Pima County Administration  
Building, 1st floor, 130 W. Con-  
gress, Monday - Friday, 8:00 am  
to 5:00 pm.  
PUBLISH: The Daily Territorial  
July 7, 8, 11, 12, 1994  
pr229 7/07/94 av

Notice of  
Bid

NOTICE TO BIDDERS

1. Project Primavera 4th Street  
Renovation
2. Location: 3644-3666 East 4th  
Street Tucson, Arizona, 85717
3. Owner: Primavera Foundation  
735 South Stone Avenue Tucson,  
Arizona 85710
4. Architect: Poster Frost Associ-  
ates, Inc. 307 South Convent Av-  
enue Tucson, Arizona 85701
5. A pre-bid conference will be  
held at 9:00 AM Thursday July  
14, 1994 at the address listed in  
item 2 above.
6. Sealed bids will be received  
until 3:00 PM Thursday July 21,  
at the address listed in item 4  
above.
7. Bids will be publicly opened at  
3:00 PM Thursday July 21, 1994  
at the conference room at the  
address listed in item 4 above.
7. The Owner reserves the right  
to accept or reject any or all bids.
8. Bid security in the amount of  
five percent of the Bid must ac-  
company each Bid in accordance  
with the Instructions to Bidders.
9. Drawings, specifications, Con-  
tractual Documents, Bid Blanks,  
and any other detailed instruc-  
tions will be on file at the Ar-  
chitect's office. Drawings, Specifi-  
cations, Contractual Documents  
and Bid Blanks are also available  
at the following plan room loca-  
tions:  
a. Shirley's Plan Service 425  
South Plumer Tucson, Arizona  
85719  
b. Dodge Reports 220 South  
Plumer Tucson, Arizona 85719  
10. A deposit of \$20.00 per set (4  
sets maximum) is required from  
those bidders wishing to take out  
the above listed documents. This  
deposit will be refunded upon re-  
turn of all bidding documents in  
good condition within five days  
after bid date. Any person or firm  
who retains these documents  
longer than this stipulated time  
shall forfeit this deposit. Addi-  
tional sets or sheets of drawings,  
pages of specifications and other  
contract documents may be pur-  
chased at cost without refund.  
11. Due to the use of Federal

the fact that this project must be  
undertaken in compliance with  
Section 7(b) Public Law 93-638,  
Executive Order 11246, and Sec-  
tion 3 of the Housing and Urban  
Development Act of 1968 regard-  
ing Equal Opportunity. The speci-  
fications for performance under  
the directives are included here-  
in.  
Pub: The Daily Territorial  
July 8, 11, 1994  
Req: Poster Frost  
Associates  
pprmav 7/8/94 lo

University of  
Arizona

UNIVERSITY OF  
ARIZONA  
A sealed bid sale of miscella-  
neous equipment will be con-  
ducted on July 11th & 12th, 1994  
from 8:00 AM to 3:30 PM. Equip-  
ment is located at the U/A Ware-  
house, 21st St and Warren Ave.,  
Tucson, AZ. For more informa-  
tion call 621-1754.  
Pub: The Daily Territorial  
July 8, 11, 12, 1994  
Req: University of Arizona  
Office of Material Management  
simisc 7/8/94 lo

Northwest  
Fire  
District  
Bid Notice

Request for Bids  
Northwest Fire District is solic-  
iting bid proposals for uniforms  
from qualified vendors. Uniform  
specifications are available by  
calling (602)742-4749. Bids  
should be submitted to Admi-  
nistration, 1520 W. Orange  
Grove Road, Tucson, AZ 85704  
by July 22 at 12:00 noon and  
should be sealed and marked  
"Uniform Bid". A public bid open-  
ing will follow receipt of the bids.  
Pub: The Daily Territorial  
July 6, 7, 8, 11, 1994  
Req: Northwest Fire District  
prunifr 7/6/94 st

Town of  
Marana

LEGAL NOTICE  
NOTICE IS HEREBY GIVEN  
THAT THE MAYOR AND COUN-  
CIL OF THE TOWN OF MAR-  
ANA WILL HOLD A PUBLIC  
HEARING ON TUESDAY, JULY  
19, 1994 FOR THE PURPOSE  
OF ADOPTING THE FY 1994-95  
PROPOSED BUDGET. THE  
HEARING WILL BE HELD AT  
7:00 P.M. AT THE MARANA  
TOWN HALL, 13251 N. LON  
ADAMS RD., MARANA, AZ. THE  
COMPLETE PROPOSED  
BUDGET MAY BE REVIEWED  
BY CONTACTING ROY  
CUARON AT THE MARANA  
TOWN HALL, TELEPHONE  
(602) 682-3401.

Continued on next page ..

## Notices

NOTICE OF  
NOTICE TO  
NOTICES OF  
NOTIFICATION OF  
NOTICE OAK, INC.  
NOTICE BY THESE

of the corporation is  
by Oak, Inc.  
of incorporation  
s 6, 1990, are hereby  
to the name of the  
is changed from  
ntry Oak to Ozark

adment to the Articles  
tion was adopted by  
olders on May 11,

200 shares of com-  
outstanding and 200  
led to vote.  
areholders holding  
a outstanding shares  
nously in favor of the

SS WHEREOF, we  
to set our hands and  
st day of June, 1994,  
is GARRY LOUCKS,  
vice Fischer JANICE  
Secretary Treasurer  
ARIZONA

55,  
F PIMA  
ED AND SWORN to  
his 1st day of June,  
arry Loucks and Ja-  
Andrea M Poe NOT-  
C (NOTARY SEAL)  
sion Expires January  
2, CORP. COMMIS-  
THE STATE OF AZ.  
1 10 56 AM '94

daily territorial  
12, 1994  
Country Oak  
194 1&c

## Notice to Creditors

TO CREDITORS  
SUPERIOR COURT  
STATE OF ARIZONA  
ID FOR THE  
ITY OF PIMA

of the Estate of  
ARA ZACHES, De-  
P-24024 NOTICE  
ORS

GIVEN that Evelyn  
Dave Zaches have  
ted Personal Rep-  
of this Estate. All  
ing claims against  
e required to present  
within four months  
e of the first publica-  
Notice of the claims  
ver barred. Claims  
sented by delivering  
written statement of  
the Personal Rep-  
attorney at the ad-  
below.

ne 16, 1994 Paul  
ul Menkveid, Attor-  
ner in Representa-  
Suite 200

daily territorial  
94  
1994

Menkveid, P.C.  
7/7/94 at

GIN, P.L.C., Attention: Richard  
S. Hudgins, 3573 East Sunrise  
Drive, Suite 125, Tucson, Ar-  
izona, 85718.

DATED this 20 day of June,  
1994.

SLOSSER & HUGGINS, P.L.C.  
By Richard S. Hudgins Richard S.  
Hudgins Attorneys for Personal  
Representative

Pub: The Daily Territorial  
June 27, 1994  
July 5, 11, 1994

Req: Slosser & Hudgins,  
P.L.C.  
crwilson 6/27/94 to

## NOTICE TO CREDITORS IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF PIMA

In the Matter of the Estate of  
Kimberly Ann Falgar Deceased,  
NO. P-24266 NOTICE TO CRE-  
DITORS

NOTICE IS GIVEN that Thomas  
A. Curt has been appointed Per-  
sonal Representative of this es-  
tate. All persons having claims  
against the estate are required to  
present their claims within four  
months after the date of the first  
publication of this Notice or the  
claims will be forever barred.  
Claims must be presented by de-  
livering or mailing a written state-  
ment of the claim to the Personal  
Representative or attorney at the  
address listed below.

DATED: JUNE 16, 1994 Thomas  
A. Curt Thomas A. Curt Personal  
Representative 330 N. Granada  
Ave, Tucson, AZ 85701.  
Pub: The Daily Territorial  
June 27, 1994  
July 5, 11, 1994

Req: Thomas A. Curt, Atty.  
crfeigar 6/27/94 at

## NOTICE TO CREDITORS IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF PIMA

In the Matter of the Estate of  
ROLLA V. KESSLER, Deceased,  
NO. P23852 NOTICE TO CRE-  
DITORS

NOTICE IS HEREBY GIVEN that  
JAMES R. KESSLER has been  
appointed Personal Representative  
of this Estate. All persons  
having claims against the Estate  
are required to present their  
claims within four months after  
the date of the first publication of  
this notice or the claims will be  
forever barred. Claims must be  
presented by delivering or mail-  
ing a written statement of the  
claim to the Personal Representa-  
tive c/o Phillip H. Larriva, 268  
E. River Rd., Tucson, Arizona  
85704.

DATED this 14th day of June,  
1994, James R. Kessler JAMES  
R. KESSLER 4337 E. 5th St.  
Tucson, Arizona 85711  
By Phillip Larriva PHILLIP H.  
LARRIVA 268 E. River Rd., #150  
Tucson, Arizona 293-1234 Attor-  
ney for Personal Representative  
Pub: The Daily Territorial  
June 27, 1994  
July 5, 11, 1994

Req: Phillip H. Larriva,  
Attorney  
crkessie 6/27/94 at

## Hearing Notice

NOTICE OF HEARING  
SUPERIOR COURT OF

son, Arizona, Before a Judge of  
Hearing Officer.

Notice of said hearing shall be  
given to all persons as required  
by and as set forth in A.R.S.  
Sections 8-535.

Dated this 14 day of June, 1994,  
CLERK OF THE PIMA COUNTY  
SUPERIOR COURT (SUPERIOR  
COURT SEAL) By Sylvia J. Mo-  
oney Deputy Clerk

Pub: The Daily Territorial  
July 5, 11, 18, 25, 1994

Req: Ginger Middleton  
hrrmiddle 7/6/94 at

## NOTICE OF HEARING IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF PIMA

In the Matter of the Estate of  
John Joseph Ennritt, Decedent,  
No. P-23519 NOTICE OF HEAR-  
ING ON PETITION FOR RE-  
FORMATION OF TRUST  
NOTICE IS HEREBY GIVEN that  
the Personal Representative has  
filed with the court a Petition for  
Reformation of Trust. Interested  
persons are referred to the peti-  
tion, with exhibits, which is on file  
with this court.

Hearing has been set to consider  
the Petition at the Pima County  
Superior Court, 110 West Con-  
gress, Tucson, Arizona, on the  
29 day of July, 1994, at 9:00  
A.M.

DATED this 5 day of July, 1994.  
Fred A. Farsjo Fred A. Farsjo  
Attorney for Personal Representa-  
tive  
Pub: The Daily Territorial  
July 7, 8, 11, 1994

Req: Gabroy, Rollman &  
Bosae, P.C.  
hrrennitt 7/7/94 at

## Pima County

### PDEQ PUBLIC HEARING NOTICE

The Pima County Department of  
Environmental Quality (PDEQ)  
will hold a public hearing on Au-  
gust 8, 1994, 9:00 a.m., at the  
Tucson Main Library, 101 North  
Stone Avenue, Basement Meet-  
ing Room. The purpose of the  
hearing is to discuss Pima  
County air quality rules that are  
proposed to be submitted as part  
of the Arizona State Implementa-  
tion Plan (SIP) for New Source  
Review/Prevention of Significant  
Deterioration (NSR/PSD). The  
1990 Clean Air Act Amendments  
included revisions to NSR and  
PSD which Arizona, including  
Pima County's Air Quality Control  
District, must incorporate into its  
SIP to remain in conformance  
with federal law.

The proposed SIP revision in-  
cludes the following rules from  
Title 17 of the Pima County  
Code, as they pertain to Class I  
sources (major sources):  
17.04.070; 17.04.340; 17.04.420;  
17.08.020-17.08.100; 17.08.150;  
17.12.040-17.12.070; 17.12.120;  
17.12.140; 17.12.160-17.12.210;  
17.12.230-17.12.340; 17.12.360;  
17.16.010-17.16.020;  
17.16.040-17.16.130;  
17.16.160-17.16.430; 17.16.520;  
17.16.550-17.16.640. The above  
rules may also be proposed for  
inclusion as they apply to class II  
sources (minor sources).

The inclusion of Class II source  
rules in the SIP is of special  
concern to the Arizona Depart-  
ment of Environmental Quality  
(ADEQ) and PDEQ. The Environ-  
mental Protection Agency has  
encouraged Arizona to include  
Class II rules in the SIP. One of

All interested parties will be given  
a reasonable opportunity at the  
hearing and the workshop to sub-  
mit relevant evidence, data,  
views, and arguments, orally and  
in writing. All written comments  
must be received by 5:00 p.m. on  
August 22, 1994 to be consid-  
ered by PDEQ in developing the  
final submittal. Written comments  
should be addressed to: David  
Esposito, PDEQ, 130 W. Con-  
gress, Tucson, AZ 85704.

Copies of the rules proposed to  
be included in the NSR/PSD SIP  
are available for review at the  
PDEQ office located at 130 W.  
Congress, 3rd floor, Tucson, AZ.  
For questions, please contact  
Kamy Clayton at 740-3340.

PUBLISH: The Daily Territorial

July 8, 11, 1994  
prdeqsl 7/8/94 at

## Pima County Bid Notices

### NOTICE OF CALL FOR BIDS BID #229 - HOUSING REHABILITATION

QUE IN AND OPENS: JULY 21,  
1994 AT 2:00 P.M. MST IN THE  
9TH FLOOR LOBBY CONFER-  
ENCE ROOM, 130 W. CON-  
GRESS, TUCSON, AZ 85701.

DESCRIPTION: To furnish all  
supervision, technical personnel,  
labor, material equipment, tools,  
transportation services, licenses  
and permits required to perform  
and complete necessary rehabili-  
tation work on property under  
specifications as called for by  
Pima County Community Ser-  
vices Division.

NO BONDS REQUIRED  
Bids may be obtained at the  
Pima County Administration  
Building, 1st floor, 130 W. Con-  
gress, Monday - Friday, 9:00 am  
to 5:00 pm.  
PUBLISH: The Daily Territorial

July 7, 8, 11, 12, 1994  
pr229 7/07/94 cv

## Notice of Bid

### NOTICE TO BIDDERS

1. Project Primavera 4th Street  
Renovation  
2. Location: 3644-3666 East 4th  
Street Tucson, Arizona, 85717  
3. Owner: Primavera Foundation  
735 South Stone Avenue Tucson,  
Arizona 85710

4. Architect: Poster Frost Associ-  
ates, Inc. 307 South Convent Av-  
enue Tucson, Arizona 85701

5. A pre-bid conference will be  
held at 9:00 AM Thursday July  
14, 1994 at the address listed in  
item 2 above.

6. Sealed bids will be received  
until 3:00 PM Thursday July 21,  
at the address listed in item 4  
above.

7. Bids will be publicly opened at  
3:00 PM Thursday July 21, 1994  
at the conference room at the  
address listed in item 4 above.

8. The Owner reserves the right  
to accept or reject any or all bids.

9. Bid security in the amount of  
five percent of the Bid must ac-  
company each Bid in accordance  
with the Instructions to Bidders.

10. Drawings, specifications, Con-  
tractual Documents, Bid Blanks,  
and any other detailed instruc-  
tions will be on file at the Ar-  
chitect's office Drawings, Specifi-

Community Development Block  
grant funds and pursuant to the  
provisions of the Davis-Bacon  
Act of March 3 1931, as  
amended, the owner has ascer-  
tained from the Federal Register  
the general wage determination  
decisions in the locality in which  
this work is to be performed for  
each craft or type of workman or  
mechanic needed to execute the  
contract, a copy of which is in-  
cluded in each set of specifica-  
tions. It shall be mandatory upon  
the Contractor to whom the con-  
tract is awarded and upon any  
subcontractor under him, to pay  
all laborers, workmen and me-  
chanics employed by them in the  
execution of the contract not less  
than the said general wage deter-  
mination decisions of the Secre-  
tary of Labor in accordance with  
the Davis-Bacon Act of March 3,  
1931, as amended, for each craft  
or type of workman or mechanic  
needed to execute the contract.  
12. Attention is further called to  
the fact that this project must be  
undertaken in compliance with  
Section 7(b) Public Law 93-638,  
Executive Order 11246, and Sec-  
tion 3 of the Housing and Urban  
Development Act of 1968 regard-  
ing Equal Opportunity. The spec-  
ifications for performance under  
the directives are included her-  
eafter.

Pub: The Daily Territorial  
July 8, 11, 1994

Req: Poster Frost  
Associates  
pprimav 7/8/94 to

## University of Arizona

### UNIVERSITY OF ARIZONA

A sealed bid sale of miscella-  
neous equipment will be con-  
ducted on July 11th & 12th, 1994  
from 8:00 AM to 3:00 PM. Equip-  
ment is located at the U/A Ware-  
house, 21st St. and Warren Ave.,  
Tucson, AZ. For more informa-  
tion call 821-1754.

Pub: The Daily Territorial  
July 8, 11, 12, 1994

Req: University of Arizona  
Office of Material Management  
slmicc 7/8/94 to

## Northwest Fire District Bid Notice

Request for Bids  
Northwest Fire District is solici-  
ting bid proposals for uniforms  
from qualified vendors. Uniform  
specifications are available by  
calling (602)742-4749. Bids  
should be submitted to Admi-  
nistration, 1520 W. Orange  
Grove Road, Tucson, AZ 85704  
by July 22 at 12:00 noon and  
should be sealed and marked  
"Uniform Bid". A public bid open-  
ing will follow receipt of the bids.  
Pub: The Daily Territorial  
July 6, 7, 8, 11, 1994

Req: Northwest Fire District  
prunifur 7/6/94 at

## Town of



RESPONSE TO COMMENTS RECEIVED ON THE NSR/PSD SIP HEARING  
OF

AUGUST 8, 1994

Pima County of Environmental Quality  
August 25, 1994

The public hearing concentrated on presentation of two options that the Arizona Department of Environmental Quality (ADEQ) had prepared for possible submittal to the Environmental Protection Agency (EPA) as the Arizona NSR/PSD SIP. Details of the options are in the Public Hearing Minutes. Briefly, the two options presented were:

**Option A:** Submit all proposed rules in their entirety as related to NSR/PSD program for Class I and Class II sources.

**Option B:** Submit a rule package related to the NSR/PSD program that has been edited to limit federal enforceability.

1. A suggestion was made during the public hearing that a third option involving no submittal of the minor source portion of the NSR program was necessary since the EPA had never identified minor source NSR as a deficiency that needed to be addressed in the Arizona SIP.

Communications with EPA have, in fact, indicated that EPA believes that the SIP will not be complete unless and until it meets the requirements under §110(a)(2)(C) of the Clean Air Act Amendments of 1990 (Act). Each implementation plan submitted by a State under this Act shall - "include a program to provide for the enforcement of the measures described in subparagraph A, and regulation of the modification and construction of any stationary source within areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required..."

2. A comment was made stating that a simplified approach to the submittal package was necessary to avoid further confusion. A question was raised regarding the minor source submittal, especially involving edited rules.

PDEQ will follow ADEQ's approach. "...ADEQ disagrees that submittal of edited minor source rules will result in additional confusion. Instead, ADEQ has concluded that such submittal will provide badly needed clarification of the applicable SIP by including in it explicit contemporary rule language in place of prior rules....While reserving its right

to rely on the 1982 applicable SIP for all minor source NSR/PSD requirements, the State is willing to make this submittal without the requisite normal deficiency notice....(ADEQ comments regarding this question from their public hearing August 9, 1994)

3. A question was asked regarding submittal of 17.12.150, Transition.

After further review, PDEQ concluded that this section needs to be submitted.

4. A question was asked regarding how Option A (submittal of rules in their entirety) would relate to future Title 17 amendments.

Response is included in public hearing minutes.

**Conclusion:** In consideration of all comments received, both oral testimony and written comment, PDEQ has concluded that this SIP revision will generally follow ADEQ's approach. The SIP will be comprised of two parts: one which identifies those portions of Pima County's rules to be included in the applicable SIP for the purpose of major source NSR/PSD; and one which identifies those portions of Pima County's rules to be included in the applicable SIP for the purpose of minor source NSR.

A Masco Company  
6660 South Broadmoor Road  
Tucson, Arizona 85746  
Telephone 602.741.6200

August 19, 1994

Dr. David Esposito, Director  
Pima County Dept. of Environmental Quality  
Air Quality Control District  
130 W. Congress St.  
Tucson, AZ 85701-1317

RE: COMMENTS ON NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT  
DETERIORATION SIP SUBMITTAL

Dear Dave:

These comments address the NSR/PSD rules proposed for submittal as part of the SIP.

We believe that the preferred course of action would be Option B, i.e. submitting a rule package for Class I and Class II sources that has been edited to limit federal enforceability, consistent with ADEQ's approach.

In reviewing the rules listed in the public notice which were proposed to be included, two questions arose:

- 1) Section 17.12.140.B.2. refers to the Hazardous Air Pollutants list under A.R.S. Section 49-426.04(A)(1) or Chapter 17.16, Article IX. If ADEQ will not be submitting HAPS rules, why would this be included by PCDEQ?
- 2) Section 17.17.150, which states that existing Permits stay in effect until the new unitary Permits can be issued, was not included. Why would this not be included?

Thank you for the opportunity to comment on this subject. Please feel free to contact me at (602) 741-6366 with any questions regarding the information provided here.

Sincerely,

  
Glynis J. Coulter  
Environmental/Safety Engineer

cc: B. Thomasson





DEPARTMENT OF ENVIRONMENTAL QUALITY

150 West Congress Street  
Tucson, Arizona 85701-1517

DAVID M. ESPOSITO  
Director

(602) 740-3340  
FAX (602) 882-7709

August 29, 1994

Ms. Glynis Coulter  
Environmental/Safety Engineer  
Weiser Lock  
6660 South Broadmoor Rd.  
Tucson, AZ 85746

Re: PSD/NSR SIP Submittal

Dear Glynis:

Thank you for your letter of August 19, 1994 regarding the PSD/NSR SIP submittal.

We acknowledge your support for submittal of an edited or redacted version of applicable rules. With regard to your specific comments:

- 1) Section 17.12.140.B.2.a.i will not be included in the edited version submitted as part of the SIP
- 2) We assume you are referring to section 17.12.150, Transition Provisions. Portions of this section will be included in the SIP submittal, to assure that transition provisions can be followed for PSD/NSR permits.

Thank you again for your valuable comments.

Very truly yours,

David M. Esposito  
Director

DME/ss



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August 22, 1994

Mr. David Esposito  
Director  
Pima County Department of Environmental Quality  
130 W. Congress  
Tucson, Arizona 85701-1317

Re: AMA Comments on Proposed PSD/NSR SIP Revision

Dear Mr. Esposito:

We are submitting the following comments on Pima County's proposed PSD/NSR and minor NSR SIP revisions on behalf of the Arizona Mining Association (AMA). On August 8, 1994, Pima County held a public meeting to discuss options for submitting a minor NSR SIP revision to EPA. At this meeting, the public was told that SIP submissions consisting of "redacted" County rules would be available for public review the following day in order to permit intelligent comment by August 22, 1994. We did not receive the redacted version until August 17 and believe that such a short period of time for review is insufficient.

At the public meeting on August 8, we raised an additional option for dealing with the minor NSR problem. We pointed out that it is unnecessary at this time to submit a minor NSR SIP revision to EPA because no "sanctions clock" is ticking. Neither the State nor the County is in violation of section 110(a)(2)(c)(A) of the Clean Air Act, because the current SIP already has approved NSR provisions applicable to minor sources. These provisions remain enforceable under A.R.S. § 49-404(C). Even if EPA disagrees with this position, however, it is our understanding that EPA has conceded that it has not sent any notice of deficiency regarding the adequacy of the State's preconstruction and modification review procedures for sources not subject to Title V permits. The State and counties would have eighteen months from receiving such a deficiency letter to come up with a sensible solution to the minor NSR problem.

From the standpoint of the regulated community, the proposed submission is anything but sensible. The selective inclusion or redaction of rules that were never intended to satisfy section 110(c)(2)(A) of the Clean Air Act raises two significant problems:

- (1) A minor source NSR SIP revision that consists of individual paragraphs, sections and sentences from state or county permit rules is incredibly confusing and difficult to apply. An applicant for a Class II permit

attempting to segregate those portions of the application or permit that are federally enforceable requirements from those that are not is given little guidance by this crazy quilt of rule language.

- (2) The selective inclusion/redaction approach to SIP adoption, while a significant improvement over making all non-Title V permitting requirements federally enforceable, still runs a considerable risk of making federally enforceable a number of non-Title V permit provisions that are not required under Title I of the Clean Air Act. As noted below, this is an even greater problem for the County rules than it is for the State's.

We readily agree that the continuing federal enforceability of the old minor NSR rules is not a viable long-term solution. There is no reason, however, not to rely on the existing SIP while ADEQ and the counties develop a workable and understandable minor NSR rule. Reconciling the old and new permitting systems will be somewhat confusing, but no more so than attempting to make sense out of the proposed submission. And in any case, unless and until EPA approves the redacted non-Title V permitting rules as a SIP revision, both ADEQ and the counties will be constrained to enforce the old rules, since they are still part of the SIP.

We understand that ADEQ has submitted its redacted version of the new minor source permit rules to EPA. ADEQ, however, has also committed to develop a separate minor NSR rule and to submit that rule to EPA as a substitute for the earlier submission. Thus, the submission of the redacted rules represents an unnecessary additional step in the process of developing a minor NSR SIP submission that conforms to the new unitary permit system. It makes no sense to go from one interim solution to another; ADEQ and the Counties should instead move straight from the existing SIP to the final version.

We therefore strongly oppose any SIP submittal containing federally enforceable permitting rules for non-Title V sources. If, despite this opposition, Pima County makes such a submittal, we believe that the public deserves more time for review than has been given. Because the sanction clock is not running, the public should be allowed, at the very least, the same amount of time stated at the public meeting, which would make comments due by August 29, 1994.

The AMA also strongly opposes Pima County's proposal to submit the existing source performance standards set forth in Chapter 17.16 as a SIP revision. Many of these standards differ significantly from the state's, are currently being challenged in court by the AMA and are open to challenge under A.R.S. § 49-

112(E). The regulatory expert panel appointed by the Environmental Quality Advisory Council found that PDEQ did not have sufficient evidence to conclude that some of these standards are necessary to attain or maintain the National Ambient Air Quality Standards. Thus, these standards have no place in a SIP submission.

Again, PDEQ should allow more time for comment on these extremely complex SIP submissions. We have identified the following specific problems with the submissions, but given the extraordinarily short review time allowed, we are certain this list is not complete:

1. On page 5, 17.04.340.28.m must be deleted from the definition of applicable requirements in both the minor and major source NSR rules. ADEQ has redacted R18-2-101.14.b, which is identical to Pima County's 17.04.340.28.m. The failure to redact this portion of the definition could result in state or county requirements that are not part of the SIP becoming federally enforceable.

2. On page 4, 17.04.340.23, the definition of "applicable requirement," should include subsections h and i.

3. On page 17, 17.04.340.132, the definition of major source, cross-references R18-2-101. However ADEQ's redacted version of this definition includes only the last subsection of R18-2-101(132), which in turn cross-references the definition of major source in R18-2-401. For purposes of NSR, the crucial distinction is between sources that are subject to PSD and major source NSR and those that are subject only to minor source NSR. Thus, the SIP submission should include only the PSD/major NSR definition. The use of any other definition would blur the lines between sources that are major for PSD/NSR purposes and those that are not. For example a non-categorical source in an attainment area with emissions below 250 tons per year would be major for Title V purposes but not for PSD/NSR purposes. In addition, a major source of hazardous air pollutants may not be a major source of criteria pollutants. These sources should not be included in a major NSR program. The only solution we can suggest is to include in the cover letter a statement that the County's intent is to cross-reference the redacted version of R18-2-101.

4. The state's submission includes no equivalent to section 17.12.110 at page 34; thus that section should not be included in the major or minor source submission. The reference to the state air quality statute and "rules adopted by the director" could have the effect of transforming all state and County requirements into federally enforceable permit conditions.

5. On page 35, Rule 17.12.140.B.2.b.iii probably needs to be included if redacted rules are submitted; otherwise the submission will fail to identify which sources require minor source permits. However, as the regulatory expert panel noted, the County has not made an adequate showing that its extremely low permitting thresholds are necessary to maintain or attain any NAAQS. Thus, the submission will be of questionable validity under state law, which may be grounds for EPA disapproval, and will be broader than necessary to meet the requirements of section 110(c)(2)(A).

6. On page 39, Rule 17.12.160.E.7 raises similar problems. The County has adopted a definition of insignificant activities that for the most part tracks its definition of de minimis and that will require application information about trivial emissions that could not possibly interfere with attainment or maintenance of the NAAQS.

7. On page 37, 17.12.160.B in both the minor and major source submissions refers to the "Standard Permit Application Form" in Appendix 1 of the State regulations. Appendix 1 in the State's submission redacts many of the application requirements that need not be part of the SIP. Once again, a cross-reference to the state rules makes the process of redacting the County's confusing and difficult. Again, the only suggestion we can make is to state in the cover letter that the intent in the County's SIP submission is to cross-reference the redacted state rules.

8. On page 40, 17.12.160.I.2.e should be deleted from the major source submittal. ADEQ correctly redacted this provision from the state rule. These procedures for EPA review are applicable to Title V permits, not PSD/NSR permits. On page 41, 17.12.160.I.2.f, should be deleted from the major source submission for similar reasons.

9. On page 44, 17.12.180.A.8, the second and third sentences of subsection 8 should be deleted from the major source submission, and the second sentence should be redacted from the minor source rule. These provisions have been removed from the State's submittal. Once again, failure to redact these provisions could have the effect of making what would otherwise be purely local requirements federally enforceable.

10. On page 46, 17.12.180.A.15 should be redacted from both the major and minor source submissions. This provision has been removed from the State submittal, again to avoid the needless transformation of local requirements into federally enforceable rules.



11. On page 46, 17.12.180.E in both the major and minor source submissions should be revised to redact paragraph 1. Paragraph 1 corresponds to the first sentence of R18-2-310(A), which ADEQ has removed in its entirety. The remainder of 17.12.180.E corresponds to R18-2-306(E), which was included in the state submission.

12. On page 48, 17.12.210.A.3.a, should read as follows in both the major and minor source submissions, in order to be consistent with Pima County's redaction in 17.12.180.5, which is the identical language:

a. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. ~~All required reports shall be certified by a responsible official consistent with subdivision 5 of this subsection.~~

13. On pages 49-50, 17.12.210.A.7 should be redacted from the major and minor source submissions as it is in the State's submittal.

14. On page 52, 17.12.250.E.2 should be deleted from the major source submission as it is from the State's submittal.

15. On page 53, in 17.12.260.D, the words "and review by the Administrator" should be redacted from both the major and minor source submissions, as they have been from the State's.

16. On page 53, 17.12.260.E should be deleted from both submissions. It has been redacted from the State's submittal.

17. On page 55, Rule 17.12.320.F should be redacted from both the major and minor source submissions. Subsection F cross-references A.R.S. § 49-476.01, which under certain circumstances authorizes the County to require quantification of not only criteria pollutants, but also hazardous air pollutants and unregulated pollutants. This subsection therefore has no place in a SIP submission. The remainder of the emission inventory provisions should be more than adequate to meet the requirements of Title I of the Clean Air Act.

18. Again, Chapter 17.16 should not be included in this submission. At a minimum, rules 17.16.010, .020, .050, .060, .100., .110, .120, and .400, which differ significantly from state rules, should be omitted.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Burr". The signature is stylized with a large "S" and a long horizontal stroke.

Steven J. Burr

SJB/mbf



DEPARTMENT OF ENVIRONMENTAL QUALITY

150 West Congress Street  
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DAVID M. ESPOSITO  
Director

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August 29, 1994

Mr. Steven Burr  
Lewis and Roca  
40 North Central Avenue  
Phoenix, AZ 85004-4429

RE: AMA COMMENTS ON PROPOSED PSD/NSR SIP REVISION

Dear Mr. Burr:

Thank you for your letter of August 22, 1994. Your review has been very thorough and your comments are much appreciated.

With respect to your assertion that the sanctions clock is not running, and that no submittal needs to be made for the minor source portion of the NSR program, all of our communications with EPA have indicated that the sanctions clock is, in fact, running, and that the submittal of a minor source permit program as part of the NSR SIP is a prerequisite to a determination of completeness, and ultimately to approvability.

We agree that continuing federal enforceability of the old, minor source NSR rules is not a viable, long term solution. However, we fail to understand what makes this a viable, short term solution either. While the "SIP savings clause" in state law provides a legal argument that the existing SIP will remain in effect until replaced by a new SIP submittal, there exists no mechanism by which Pima County may issue a permit under rules which have been repealed.

With regard to Chapter 17.16, Performance Standards, we recognize your desire to exclude such rules from the SIP. However, according to provisions in state law which were included at the request of industry, these rules must be adopted as part of the SIP for them to be applicable to state regulated sources. To be equitable, such rules should be applicable to all sources in Pima County.



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Mr. Steven Burr  
RE: AMA Comments on Proposed PSD/NSR SIP Revision  
August 29, 1994  
Page Two

With regard to the complexity of the SIP package, we are in agreement that the submittal is complex and that clarification would be beneficial. We intend to follow the lead of ADEQ with respect to the development of these rule clarifications.

With regard to your claim that the review period has been excessively short, please observe that a 30-day noticed public hearing was held and that Title 17 Rules being considered for inclusion in the SIP were available at the time that the hearing was noticed. The approach of utilizing an edited or redacted version of rules as part of the SIP submittal was requested by industry during the comment period and was supported by the AMA at our public hearing over submittal of the complete rules package. In response to these comments, a redacted version of our rule package was prepared and was made available during the comment period.

In the redaction process, PDEQ aimed to follow the logic and criteria utilized by ADEQ in its parallel redaction process. However, PDEQ included or excluded rules, which may differ from the ADEQ submittal, because of different interpretations as to what constitutes preconstruction and modification activities regulated under the NSR/PSD program. Our responses to your specific comments are as follows:

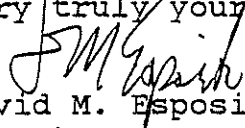
1. Requirements defined in 17.04.340.28.m may be related to modifications and preconstruction activities.
2. Concur. Suggested change will be made.
3. We recognize your concern. Our concern is that with your suggestion the cover letter would modify the content of adopted ordinance, as opposed to the redaction process which simply limits federal enforceability.
4. Requirements of 17.12.110 may be directly relevant to modification and preconstruction activities.
5. We agree that 17.12.140.B.2.6.iii needs to be included. Sources emitting quantities less than de minimis levels do not require a permit. Failure to include this concept could create significant confusion.
6. Exclusion of 17.12.160.E.7 would create even further confusion.
7. See response to comment 3.

Mr. Steven Burr  
RE: AMA Comments on Proposed PSD/NSR SIP Revision  
August 29, 1994  
Page Three

8. Provisions of 17.12.160.I.2.e and f are specifically applicable to Title V sources. Certain Title V sources may also be regulated under PSD/NSR permits.
9. With respect to 17.12.180.A.8, PDEQ proposes to redact the last sentence of subsection A and subsection B for major sources and subsection B (only) for minor sources. The other provisions you reference may relate to preconstruction/modification activities.
10. Requirements referenced in 17.12.180.A.15 may be related to preconstruction or modification activities.
11. Requirements referenced in 17.12.180.E.1 may be related to modification or preconstruction activities.
12. Concur.
13. Requirements of 17.12.210.A.7 may be applicable to modification or preconstruction activities.
14. Concur.
15. Requirements of 17.12.260.D relate directly to modifications.
16. Concur.
17. Requirements of 17.12.320.F are potentially applicable to preconstruction and modification activities.
18. Again, Chapter 17.16 must be submitted pursuant to state law, if these requirements are to be equally applicable to all sources in Pima County.

Thank you again for your comments.

Very truly yours,

  
David M. Esposito  
Director



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